THE COLLECTED WORKS OF
MAHATMA GANDHI

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(June-December 1907)

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PREFACE

This volume covers the seven months from June to December 1907. The Transvaal Asiatic Registration Act replacing the ordinance disallowed by the Secretary of State for the Colonies was passed, as we have already seen, by the new Transvaal Parliament at a single sitting on March 21. It received Royal assent on June 8 and came into force on July 1. The Indian community's struggle against the "obnoxious law" which was launched at the mass meeting in the old Empire Theatre on September 11, 1906 was now carried on by the Passive Resistance Association, an *ad hoc* body specially set up for the purpose (*Satyagraha in South Africa*, Ch. XVI).

Contrasting the position of the Transvaal Indians after the legislation with that before it, Gandhiji declared: "The whole of the Transvaal would. . . become. . . a wretched gaol. It does, indeed, need the intoxication of power to blind one to the wretched state of misery to which the new law reduces Asiatics" (p. 20). The regulations framed under the Act could hardly wipe out the slur cast by it on the Indians. What made the Act obnoxious was not the taking of finger-impressions but the element of compulsion and the deliberate intent to insult the community. It was "degrading to their manhood and offensive to their religion" (p. 212). Gandhiji offered voluntary registration as a compromise if the laws were repealed. The offer was not accepted and hence there was no alternative but "to submit to a higher law, namely, that which dictates to mankind an idea of self-respect and respect for declarations solemnly and sincerely made" (p. 233). To submit to this higher law, Gandhiji advised passive resistance to the "obnoxious law" of the Transvaal Government.

However, passive resistance for Gandhiji was not just a form of effective political action as it was for the British suffragettes to whom he made many admiring references in his efforts to instil self-respect and courage among the South African Indians. He invested the idea of passive resistance with an ethical and spiritual content, and, finding support for his doctrine in Thoreau's essay on "Civil Disobedience", he summarized it both in English and Gujarati. However, he found the term "passive resistance" inadequate and misleading. The Indian movement, he asserted, was "really not resistance but a policy of communal suffering" (p. 67). Defiance of the law would lead to the imposition of fines. Indians would not pay them, but would prefer imprisonment. If licences were denied, they would trade without them. Indians knew the consequences of breaking the law and were prepared

to suffer them "with quiet dignity and resignation" (p. 88). Passive resistance, as Gandhiji conceived it, was to be a means of ethical education. If man-made law had to be violated in order to vindicate the claims of truth and justice, it must be done with scrupulous adherence to truth. While defying a law that was unjust, the Indian community on its part must strive to rid itself of the many patent evils in its private and public life, and learn to live constantly in accord with the dictates of the divine law.

The emphasis that Gandhiji desired to give to the spiritual content of his movement was obscured by the term "passive resistance". He also felt that self-respect required that Indians should learn to use their own language with proficiency. *Indian Opinion* therefore offered a prize for a suitable Indian equivalent for that term. Maganlal Gandhi suggested *sadagraha*, which Gandhiji changed to *satyagraha*. It proved to be a felicitous expression, symbolizing as it did Gandhiji's life-long search for truth in its perfection.

Fully aware of the implications and importance of the struggle, Gandhiji poured forth his soul week after week in *Indian Opinion*, which thus became "a faithful mirror of the current history of the Indian community" (*Satyagraha in South Africa*, Ch. XX). He dealt at length, especially in the Gujarati articles, with every aspect of the struggle, its causes and consequences, techniques and procedures, prospects of failure and success. He went for inspiration not only to Jesus and Thoreau and the heroic resisters of evil in the ancient Indian epics, but also to the contemporary examples of suffragettes, non-conformists, Sinn Feiners and Boers.

Picketing of Registration Offices was systematically organized; it was to be peaceful and free from all "display of ill-temper". Strong language was to be eschewed as much as physical violence. Those who would avoid the yoke of the Asiatic Act ought not to impose on their opponents the more terrible yoke of ignorant brow-beating and intimidation (p. 255). The picketing was effective; the Registration Office moved from town to town, but the boycott saw to it that it remained idle. Less than five per cent. of the community took out "the bond of slavery", though the time-limit for registration was extended again and again. The names of the blacksheep—"the piano-players", as they were called—were published in *Indian Opinion* as much to warn others as to shame the cowardly. The appeal was to self-respect rather than to fear. When a group of Indians made a surrender proposal, Gandhiji conceived and executed the idea of presenting a monster petition signed by over 4,500 Indians, showing that the mass of Indians opposed the law.

Gandhiji addressed numerous meetings of the British Indian Association, the Hamidia Islamic Society and the Chinese Association.

He spoke to groups of Europeans as well as to mass meetings of Indians held in the open air. Even at the height of the struggle, he continued the more conventional methods of agitation, addressing letters to Government and public organizations in South Africa and India as well as to prominent people in South Africa, India and England. In London, the South Africa British Indian Committee continued to be his main instrument of representation and public education. The volume carries several examples of the letters he wrote to the South African Press in a patient, painstaking and persistent effort to remove misunderstanding, refute misrepresentation and arouse sympathy for the cause. By the end of the year, he could write that an increasing number of newspapers controlled by the whites condemned the Government and wished success to the Indians (p. 445).

He saw clearly that the aims and methods of the struggle were of more than local or temporary significance; he was aware of their meaning for man everywhere. "Indians in the Transvaal will stagger humanity without shedding a drop of blood" (p. 118). Here was an acid test for British statesmanship: would the Imperial arm protect the weak Indians from the strong whites, or strengthen the hands of the tyrants to crush the weak and the helpless? (p. 88). With faith still unshaken in British institutions, he wrote: "It is because I consider myself to be a lover of the Empire for what I have learned to be its beauties that, seeing, rightly or wrongly, in the Asiatic Law Amendment Act seeds of danger to it, I have advised my countrymen at all costs to resist the Act in the most peaceful and, shall I add, Christian manner" (p. 409).

However, the Transvaal Government did not respond to these appeals. In December, on the very day on which Royal assent to the Transvaal Immigration Act was gazetted, General Smuts decided to prosecute Gandhiji and other leaders. The move was welcomed by Gandhiji as being indeed the "only method of testing the reality and universality of Asiatic feeling" (p. 468).

The trials in court in which Gandhiji now figures, mostly in defence of passive resisters, are a new phase of his professional and public life. His shrewdness as a lawyer enabled him to use open defiance of repugnant laws as a means of educating public opinion. He advised his clients to plead not guilty, so that the court could hear from their own mouths what they had to say (p. 467). The trials brought more publicity to his movement than all the petitions and deputations had done so far, and compelled the Imperial Government to take notice of what was happening to citizens of an empire which claimed to be the most civilized in the history of the world.

NOTE TO THE READER

The petitions and representations addressed to various authorities, communications to the Press, and resolutions adopted at meetings, which are included in this Volume, are attributed to Gandhiji on grounds similar to those explained in the Preface to Volume I. Where there are special reasons for the inclusion of particular items, these have been stated in footnotes. Gandhiji's unsigned writings in *Indian Opinion* have been identified on the basis of his general testimony in autobiographical writings, the opinion of his associates, Chhaganlal Gandhi and H. S. L. Polak, and other available evidence.

In reproducing English material, every endeavour has been made to keep strictly to the original. Obvious typographical errors have been corrected and words abbreviated in the text have generally been spelt out. Variant spellings of names or words have been retained as in the original.

Matter within square brackets has been supplied by the Editors. Passages quoted from the English have been printed in small type in indented paragraphs. Reports of speeches and court proceedings available in indirect narration and words not emanating from Gandhiji have likewise been printed in small type.

In translations from the Gujarati, our effort has been to reproduce faithfully the matter in the original, at the same time keeping their readability in view. While translating Gandhiji's Gujarati renderings from the English, the original, where available, has been consulted.

The date of an item, if available, has been indicated at the top right-hand corner; if the original is undated, the date inferred is given within square brackets, with reasons where necessary. The date given at the end of an item along with the source is that of publication.

References in footnotes to Volume I of this series are to the August 1958 edition. References to *An Autobiography or The Story of My Experiments with Truth* and *Satyagraha in South Africa* cite only the Part and Chapter in view of varying pagination in different editions.

In the source-line, the symbol S. N. stands for documents available in the Sabarmati Sangrahalaya, Ahmedabad; G. N. refers to those available in the Gandhi Smarak Nidhi and Sangrahalaya, New Delhi; C. W. denotes letters to individuals secured by the Collected Works of Mahatma Gandhi. Among the abbreviations sometimes to be found in the source-line, "C. O." stands for the Colonial Office, and "J. & P." for Judicial and Public Records.

The Appendices provide background material relevant to the text. A list of sources and a chronology for the period covered by the Volume are given at the end.

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For research and reference facilities, we owe thanks to the All-India Congress Committee Library, the Gandhi Smarak Sangrahalaya, the Indian Council of World Affairs Library and the Research and Reference Division of the Ministry of Information and Broadcasting, New Delhi; the Sabarmati Sangrahalaya and the Gujarat Vidyapith Granthalaya, Ahmedabad; the Public Library, Johannesburg; and the British Museum Library, London.

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1. *JURIES ON TRIAL*

Ever since the birth of this journal, it has studiously restricted itself to questions affecting Indians in South Africa. We consider that, however desirable other questions may be from a journalistic standpoint, we must recognize our own limitations and not enter into questions of high policy, or questions that do not directly affect Indians in this country.

But there are exceptions to every rule. We feel we should be false to our profession, if we did not deal with the now celebrated Mtonga case[1], which has attracted so much attention. It rises from the platform of Native policy to that of humanity and, to a certain extent, the principle underlying it is applicable to Indians also. We, therefore, gladly make room for an extract from the extremely well-reasoned and humane leading article from the columns of *The Natal Mercury*. It constitutes an indictment of the jury system in particular when applicable to trials between whites and blacks. We join with our contemporary in its repudiation of the charge of the special ill-treatment of Natives levelled against Natal in some quarters and based on the abortion of justice in the Mtonga case. We believe that what happened in Natal is likely to happen, under similar circumstances, in any part of South Africa, or in any country conditioned as South Africa is. Natal, no more than any other country, can claim a monopoly of jurymen fired with passion and prejudice, but the fact that instances like the Mtonga case happen in South Africa must waken the public conscience, and make those who are jealous of the reputation of South Africa seriously consider whether the time has not arrived to revise our ideas about the jury system. In a place like South Africa, where there is no leisured class and where people of all nationalities congregate, the jury system is about the worst that could be devised in connection with the administration of justice. The inherent condition of success of trial by jury is that the accused is tried by his equals. It is an insult to man's intelligence to contend that there is any such trial in South Africa, when the question is as between whites and blacks.

When passions are roused, men who are not trained to examine facts and apply a well-balanced mind to the matters before them cannot possibly arrive at a just conclusion. Even in a well-settled and old

[1] Mtonga, an African, was assaulted by certain persons on suspicion of having committed an offence. Tried later, he was found guilty by the jury; but the Governor, convinced of his innocence, reprieved him.

place like Liverpool, possessing a homogeneous population with traditions to go by, it required a judge of the calibre of the late Justice Stephen to secure a verdict at the trial of Mrs. Haybrick. How is it possible, then, to get any satisfaction out of jurymen in a place like South Africa, where different nationalities are still in the melting pot, and a South African nation has yet to rise in the dim and distant future? We are no worshippers of the idol of equality, when there is no foundation for it. It is possible that any attempt to abolish the jury system, in cases where there are whites and blacks concerned, will be met by the cry of false equality. We hold that any Native or Coloured man who takes up a position of that description does not know real equality. All that can reasonably be claimed, today, by or for them is equality in the eye of the law. White people from different parts of Europe, who come to South Africa with no notion of Imperialism, cannot be expected either to think of Imperial obligations or other notions of justice and equal rights as between themselves and others whom they hold to be inferior, save from the dictates of whatever humanity there may be in them.

We hope, therefore, that no Coloured man or Asiatic, because our argument applies equally to Asiatics as to other Coloured people, will think of opposing the movement that the Natal Press has, from purely disinterested and just motives, inaugurated for the abolition of trial by jury in cases where there are European and Coloured people concerned. It would, indeed, be the best thing if trial by jury were abolished altogether, but it is such a time-honoured superstition that one can hardly expect public opinion to reject it altogether, nor will it be possible to make out a strong case against the institution so far as it may apply to whites only.

We believe that, if the matter is left where the Press has left it, no result will be achieved. The churches in South Africa are rightly supposed to be the custodians of the interests, we will not call them the rights, of the Natives in South Africa, and, though the immediate question has arisen in Natal, we feel that there should be among the churches a simultaneous movement and a petition to the respective South African Governments for the complete abolition of trial by jury in cases as between white and Coloured men. We think, also, that such a movement on the part of the churches should be very widely supported by the Natives and the Coloured communities of South Africa.

Indian Opinion, 1-6-1907

2. *WHAT SHOULD THE BRAVE DO?*

March forward, losing no time;
Delay not, putting off the task from day to day.
The more you think, the greater will appear
The obstructions in the path.
"How can I break the loving bond of home?
What will happen to my people ?"
So enslaved by domestic bonds,
How will he rush to battle ?
As we pause and think, and think and pause,
All too suddenly the enemy descends on us.
Overwhelmed with fear and trembling,
To defend ourselves is a job.
Digging a well when the flames rage high—
This is but growing wise after the mischief is done,
To try and put up a bund when the floods begin.
How can it help?
Take up arms, and march together,
Spear in hand, roaring a challenge to the foe.

The new Transvaal law is still lowering and thundering. As the proverb goes, a thunderstorm seldom means rain and barking dogs seldom bite. But this new law will burst indeed, just as much as it thunders. It will be gazetted as soon as General Botha[1] returns from England. Let us, therefore, give further thought to the challenge that we have offered to that law through the gaol resolution[2].

We can see from the poem quoted at the top of this article that, when we are about to embark on an adventure, it is useless to go on thinking of the consequences. Those rushing to a battle-field do not think of what will happen to their family or business. The Indian people have always placed their trust in God alone. Before that God we took an oath and resolved not to submit to the new law. The proper time to think was before the Resolution was passed, and, indeed, we did think then. But now the time for thought is gone. Now is the time to be firm in our resolve. Sheikh Saadi[3] says in *Gulistan* that, if man were to think of the Giver of his daily bread quite as much as he does of his bread, his place in heaven would doubtless be higher even than that of

[1] Premier of the Transvaal, 1907-10; of the Union of South Africa, 1910-9
[2] The famous "Fourth Resolution" of September 1906; *vide* Vol. V, p. 423.
[3] (*c.* 1184-1292), a Persian poet

the angels. In the same way, we have now to complete the task we have taken up, thinking not of our bread, our family and our business, but of Him who preserves all and is the cause of their progress. Even if everyone forsakes us, so long as we go on doing our work, trusting the Master who lives in the hearts of us all, He will never forsake us.

Let us take the example of our rulers. When the Boers crossed swords with the mighty British, the late Mr. Kruger[1] did not think of his family or wealth. General Joubert fell fighting. General Smuts[2], too, fought desperately. Dr. Krause[3] suffered imprisonment for two years and all his property at Johannesburg was ruined. Mr. De Villiers, who now heads the Department of Justice, was thrown into prison. He received bullet wounds in his leg. General Botha fought to the very last. The Boer women too endured many hardships with quiet strength and gave courage to their sons and husbands. The result is that now the Boers have secured what belongs to them.

We know what the English themselves have always done. John Hampden[4] freed the people from their hardships and was ruined in the process. Lord Colin Campbell[5] had just returned from China thoroughly worn out; but no sooner was an order given to him, in 1858, than he left again. He did not enjoy even an hour's rest. Eight near relatives of Lord George Hamilton[6] offered themselves for service in the Boer War. The son of the late Prime Minister, Lord Salisbury[7], was in Mafeking[8] during the siege. The only son of Lord Roberts[9] lost his life in the battle, and today Lord Roberts has no male heir.

As compared with these examples, the task before the Transvaal Indians is a small affair. They do not have to oppose a Government or to take up arms. They have only to go to gaol and put up with some trouble, or at the most suffer some loss of business. Shall we be afraid to do this? We on our part have been hoping that the Indian

[1] (1825-1904), President of the Transvaal, 1883-1900. *Vide* also Vol. IV, p. 225.

[2] (1870-1950), Colonial Secretary, 1907-10; Prime Minister of the Union of South Africa, 1919-24

[3] Public Prosecutor, Johannesburg. Gandhiji refers to him and his brother, the State Attorney, in the *Autobiography*, Part II, Ch. XIII.

[4] (1594-1643), patriot and champion of parliamentary rights in England. *Vide* Vol. V, p. 476.

[5] (1792-1863), served in the Crimean War, 1853-6; took over as Commander-in-Chief of India in 1857. The references to China and 1858 appear to be slips for Crimea and 1857.

[6] Secretary of State for India, 1895-1903

[7] (1830-1903), Prime Minister of England, 1885-6, 1886-92 and 1895-1902

[8] Town in Cape Province, besieged during the Boer War, 1899-1902; *vide* Vol. III, p. 219.

[9] (1832-1914), Commander-in-Chief in India, 1885-93; in South Africa, 1899-1900 and 1901-4

community will not be afraid of doing even more. "Fear God alone; then there is no need to fear anyone else"—this is what all the scriptures teach us.

[From Gujarati]
Indian Opinion, 1-6-1907

3. *A PRIZE OF £1*

The title of this note is "A Prize", but the reader is not to think mainly of the prize. For Indians today it is the season of the new law and the gaol resolution. Hence, any Indian who sends us the finest poem in Gujarati or Hindustani (Urdu or Hindi) composed by him in support of the gaol resolution will be awarded a prize as above. We hope that no one who is used to writing poetry will fail to compete. The poem should be sent not so much for the prize as for the honour. The following are the conditions for the competition:

(1) The poem should not exceed 20 lines.
(2) The words should be simple.
(3) Though there is no restriction on the *raga*[1], the metre *lavani*[2] is preferable as a medium for the heroic sentiment.
(4) The poem should be written in ink in a clear hand and on only one side of the sheet.
(5) The name and address of the writer should be given at the end of the poem.
(6) The poem should cite modern and ancient examples of bravery, Muslim as well as Hindu. Others too may be included.
(7) The poem should contain the weighty reasons that have been advanced from time to time for adhering to the gaol resolution.
(8) The poem should reach Phœnix not later than the morning of June 12 or our Johannesburg office (Post Box No. 6522) on June 14.

The result will be announced in our issue dated the 22nd. We hope that many will compete.

[From Gujarati]
Indian Opinion, 1-6-1907

[1] Melody or tune
[2] A musical composition

4. UNREST IN INDIA

Many exciting things are happening in all parts of the world. We hear people everywhere speaking of "Our Country". The people of Egypt proclaim, "Egypt for Egyptians". The Chinese have massacred many Europeans in Hong Kong. The negroes declare, "We should have our rights." Self-government has been established in Iran. Afghanistan has grown strong. And now India. There too we hear the thunderous cry of "India for Indians". Towards this end, efforts are in progress everywhere to bring together Hindus and Muslims. In the Punjab, a Muslim has started a paper named *Hindu-Muslim*, and he urges the two communities to become united. From the other side, agitation is being carried on by papers like *Bande Mataram* for ending British rule. The proceedings against the *Punjabee* led to riotous demonstrations in which prominent Indians took part. Some of them were arrested. Some will be deported from the country, and some will be imprisoned. Highly educated gentlemen like Lala Lajpat Rai[1] were among those involved. The question should naturally arise as to what we should do at such a time. Though we can do nothing, thoughtful men should consider what attitude they should adopt.

Should the British be thrown out of India? Can it be done, even if we wish to do so? To these two questions we can reply that we stand to lose by ending British rule and that, even if we wanted to, India is not in a position to end it. By this we do not suggest that the British *Raj* is very powerful and that India has had incalculable advantages from it, or that India could not, if it so willed, remove British rule. But we hold that, whatever the motives of the British in coming to India, we have much to learn from them. They are a brave and considerate people, and are on the whole honest. Blind where self-interest is concerned, they give unstinted admiration for bravery wherever found. They are a powerful nation, and India enjoys not a little protection under them. It is not, therefore, desirable that British rule in India should disappear.

Should we then repudiate such men as Lala Lajpat Rai? That, too, is not possible. In our view, the men of the Punjab and the others who carry on the agitation are brave men. They are patriots and endure hardships for the sake of the country. To that extent they command our respect. However, they appear to be in error in so far as they want

[1] (1865-1928), Indian patriot and President, Indian National Congress, 1920, popularly known as "the Lion of the Punjab"

to eliminate British rule. In pursuit of this end, they appear determined to suffer any punishment the law may inflict on them. We have nothing to blame them for. For, their sufferings will lead to India's happiness. They oppose British rule because of its drawbacks. Because of that rule, India is becoming poorer. To some extent, British rule is an important cause of even the plague in India. It adds to the ill-will between Hindus and Muslims. It is also because of that rule that we have been reduced to such a low state and live like cowards. Exasperated by these evils, some Indian leaders find fault with the entire British nation. Their revolt will probably remove these drawbacks to some extent. Moreover, since they are our own fellow-countrymen, we ought not to nurse ill-feeling against them. Rather, we ought to admire their heroism.

The fault, in fact, lies with us. If we remove the fault, British rule, which is a cause of misery today, can become a source of happiness. Public spirit is not likely to grow among us without western education and contacts with the West. If that spirit grows, the British may grant our demands even without a fight, and may leave India if we want them to do so. The British colonies are what they are, not because the people there are white, but because they are brave and would take offence if their rights were not granted. That is why they are regarded as members of one family.

In short, we have no quarrel with British rule. We have to be proud of the courage of those who have been creating this unrest. Let us show the same courage ourselves, but instead of desiring the end of British rule, let us aspire to be as able and spirited as the Colonists are, and demand and secure the rights we want. And at the same time, let us learn and follow the good points of British rule, and so become more capable.

[From Gujarati]
Indian Opinion, 1-6-1907

5. *INDIAN PRINCES*

His Majesty the late Amir Abdur Rahman[1] has said :

During my visit I saw one sorry sight which affected my mind very much. The dress of the poor Indian princes resembled that of women. They had diamond pins in their hair, pendants in their ears, bands on their wrists, gold chains round their necks, and other ornaments such as women wear. Their trouserbelts were studded with jewels and the pendants, hanging from their waist-ribbons, almost reached their feet. They wallowed in ignorance, indolence and luxury. They little knew what was happening

[1] (1844-1901), King of Afghanistan, 1881-1901

in the world or what it contained. They passed their time in consuming wine and opium. They believed that their status would be lowered if they went on foot.

This is, for the most part, a true picture. It can be said that there are Indian princes who do not live in this manner. But we are not concerned with them at the moment. The fact is that the state of affairs described above is one powerful cause of our miserable plight.

It is not only the princes that live in such a base manner. Among the people also this state of things is seen often enough. Our comment mainly refers to the Hindus in India. The so-called big men and their children are mostly recognized by the marks vividly described by the late Amir. Luxuries, ornaments, garments of silk or brocade — these are seen to be quite common with them. If the so-called modern people do not wear ornaments, etc., they satisfy their desire in other ways. It is no use blaming any one section for this. Customs coming down from ancient times die hard.

But we Indians in South Africa have to learn the lesson that all of us, big or small, should free ourselves from these faults. The condition of our country and of ourselves is so unsatisfactory that, at present, we are in a state of continuous mourning. How can we enjoy comfort or pleasure, when every week thousands of our countrymen die of plague or starvation? We are convinced that it is necessary for every Indian to colour his mind with the yellow of a monk's robe. His outfit should display none of the evils of jewellery, silk, gold, etc.

King of England

Our London Letter in this issue lends weighty support to what we have said above. King-Emperor Edward's grandson is 13 years old today. From now on he is being made to go through a rigorous training. The Prince is required to study at school with other boys and he will be served the same simple food that the others get. A people ruled over by such a King does what the King does. Is it any wonder that such a people are prosperous? We are not to envy them, but to become like them. Let it not be argued that they, too, have their pleasures and luxuries. Such a thought bespeaks indolence. They enjoy themselves after their work is done, and their luxuries become them well enough. Even so, we are not to imitate their weakness for a life of pleasure and comfort. Like the swan[1], we should separate good from evil.

[From Gujarati]
Indian Opinion, 1-6-1907

[1] According to legend, the swan has the capacity to separate milk from water.

6. *JOHANNESBURG LETTER*[1]

New Law: More Questions

Questions about this law are still coming in. I am glad of it, and all questions so received will be dealt with in this journal.

What Should be Done by Those Holding Dutch Registers?

According to the notice in the *Gazette*, an Indian has made an application to the Permit Office on the basis of his register[2]. In that connection, Mr. Mahomed Daoji Patel from Wakkerstroom makes the following enquiries:

(1) Can it be taken as a certainty that the application will be accepted by the Permit Office?

(2) If it is accepted, should the applicant withdraw it, since it violates the Fourth Resolution?

(3) In case the application is withdrawn, will the police arrest him?

(4) If he is arrested and the magistrate orders him to leave the Transvaal, what is he to do?

(5) If on his acting thus a case is instituted against him, will Mr. Gandhi come here to defend him ?

The answers are : Neither this man nor anyone else in his situation need withdraw the application so long as the new law has not been gazetted. And it is also unnecessary now to proceed in the matter of the said application. The application will have to be withdrawn as soon as the new law is gazetted. If the matter comes up before the magistrate, the said applicant or others in his position who are rightful holders of registers will be defended by Mr. Gandhi. As for the nature of the defence, please refer to earlier news-letters. The boycott of the Permit Office means that henceforth we shall have nothing to do with that Office. The cases of the Transvaal residents that may be pending in that Office need not be withdrawn. That step is to be taken immediately after the law is gazetted.

What if Mr. Gandhi is Sent to Gaol first ?

A correspondent asks what is to be done for defence if Mr. Gandhi is imprisoned first. It is a relevant question. But one must know what

[1] Literally, the title reads "News-Letter". These despatches were published weekly in *Indian Opinion* as "From Our Johannesburg Representative". The first despatch appeared on March 3, 1906; *vide* Vol. V, pp. 206-7.

[2] In Gujarati, registration certificate has been referred to as "register".

the defence by Mr. Gandhi is going to be. The defence will only state that it was upon his advice that people had taken the firm decision to go to gaol, and that he (Mr. Gandhi), therefore, deserved to be sentenced first. If such a defence by him is rendered unnecessary and he is straight away taken to gaol first, the defence would have already been made. The main aim of Mr. Gandhi's presence is to keep up the courage of the accused. People will have nothing to fear if, fortunately for the community and for Mr. Gandhi, he is sent to gaol first. Even while in gaol, Mr. Gandhi can put up a defence, that is, he can pray to God to give courage to all Indians. At this stage, I should also add that it is mainly because the new law is humiliating that all Indians accept the gaol resolution. Thus, the only conclusion is that every Indian must maintain his self-respect.

Where are Funds to Support Women and Children?

The person raising this question asks how maintenance can be provided when the Association's funds are meagre. The law has not yet been gazetted. As soon as it is, leaders will visit every place to explain matters to the people and raise contributions. Moreover, leaders in Natal and East London have already communicated their willingness to help. It has also been arranged that if Mr. Gandhi should be imprisoned, Mr. Polak, the editor of *Indian Opinion*, will go from place to place collecting funds, encouraging people and explaining the position to them. Some whites also have indicated their willingness to help.

Germiston Location

Passes, like those of the Kaffirs, used to be issued to Indians at the Germiston Location. In this connection, the British Indian Association had addressed a letter to the local Government and to this a reply has been received stating that such passes would not be issued in future. Those living in the Locations may, therefore, get their passes framed and keep them as exhibits. If they are asked again to take out such passes, it will be their duty not to do so; they can give a plain 'no' in reply.

Strike of Mine Labourers

We have been talking of boycotting the Permit Office and going to gaol. The white labourers in the mines have struck work with a view to getting higher wages. The result was that in about ten mines work came to a standstill. Everyone knows that these miners live from hand to mouth. Some of them are married. For the sake of their rights, they have walked out of the mines, giving up their present income, without bothering about their families and their means of livelihood. There is no question of their self-respect having been wounded. Yet, for the sake of what they believe to be their right, they have girded up their

loins against the authorities and the fabulously rich mine-owners. Whether their demands are reasonable or not need not be considered just now. On this occasion, it is their spirit and their daring that we are to think of and emulate.

Encouragement from East London and Kimberley's Wrong View

The President of the Association has received a letter of sympathy from the Indians of East London. Mr. A. G. Ismail hopes that all Indians will remain firm in disobeying the law and will go to gaol. He also says that help will be sent from there. On the other hand, there is a telegram from Kimberley expressing sympathy but asking the Indian community to think well before taking the step of going to gaol. This is a wrong view. The Indian community believes in God, and will not trifle with Him. Moreover, it was after mature deliberation that the gaol resolution was passed in September. It is the duty of every Indian, therefore, to give us, residents of the Transvaal, full encouragement and to pray to God to sustain our courage at the time of our real test.

Indians in German East Africa

The Star correspondent in England states in a cable that, at a meeting of the German Colonial Society in Germany, some members said that Indian merchants in German East Africa harmed the interests of small European traders. The Indians cheated the Kaffirs. It was they who incited the rebellion. Therefore, laws like those enacted against them in South Africa should be enacted in German East Africa, too. The Society's committee has reported that, though it was possible to level some charges against the Indian traders, their presence in the land had on the whole proved to be an advantage. It was likely that any attempt to make a law for deporting them would lead to complications with England. Some other members who were acquainted with the situation prevailing in the Colony defended the Indian traders.

Penalty for Giving False Evidence

A washerman named Ponnusami was put up before Sir William Smith for giving false evidence. Ponnusami had made unfounded allegations against other Indians who, he knew, were innocent. The jury found Ponnusami guilty. The judge sentenced him to rigorous imprisonment for 18 months. Those Indians who are not afraid of giving false evidence should take a warning from this case.

Movement to Close Shops at Fixed Hour

A proposal for the closing of shops at a fixed hour was discussed in the Johannesburg Town Council on the 22nd [May]. Owing to the many divergent views expressed at the meeting, the members could not

agree on a solution. They therefore decided that the whole matter should go to the Parliament for decision. The Council's proposal was also forwarded to the Parliament at the same time. The proposal provides in effect that ordinarily shops should close at 6 p.m., on Wednesdays at 1 p.m. and on Saturdays at 9 p.m. On holidays they should remain closed altogether. When shops are closed, the hawkers too should stop going on their rounds. The law to this effect has not yet been passed, but one may take it that it is about to be. The Indian who concedes the need for early closure of shops and acts accordingly of his own free will, will find himself at an advantage over others.

Land Tax in Johannesburg

The tax on land is fixed this time at a penny and a quarter per £100. The tax will be calculated for the period from January 1, 1907 to June 30, 1907, and will be due on June 24, 1907. Those who fail to pay it by that date will have to pay interest at the monthly rate of one pound per £100.

Chinese Meeting and Gaol Resolution

Last Sunday a meeting of the Chinese Association was held in its hall. About 300 Chinese, mostly merchants, were present. Mr. M. Quinn took the chair. Mr. Gandhi also attended by invitation.[1] Explaining the position, he said that the Chinese and the Indians had been classed together under the new law. The law humiliated the Asiatics and it should not therefore be accepted by the Chinese. The various questions that are answered in this letter were all raised and answered at the meeting. In the end, it was decided that every Chinese should declare on oath, in accordance with his religion, that in no case would he take out a new permit and that, if necessary, he would be prepared to face imprisonment.

Permit Case

A permit case has been going on for some days past against an Indian named Lala. It came up for hearing on the 27th before Mr. Wenderburg. Superintendent Vernon deposed as follows:

> I have the power to ask for permits from people. It is also my duty to investigate the rights of people who want to enter with permits. On April 20, I saw Lala near my office, and he said to me, "I wish to work with you. Many men desire to take out permits. If you supply me information about them, both of us will make much money. I shall charge everyone £20 of which I shall give you £8. There are many Indians and Chinese here with false permits. If you get their permits set right, I shall pay

[1] *Vide* Vol. VI, p. 501.

you £20. Here is a permit; put your initials on it and pass it. That way you will earn £400 a month, and I £200. Mr. Harris too will get £200. My information is that irregular forms are current in Johannesburg and that many Indians are without permits." Then I asked him to come again the following day. He did come, and after some talk with him, I rang the bell and got him arrested. As he was being taken to the Charge Office, Lala said, "Sir, you have missed a golden opportunity of making money."

Constable Harris also deposed as above. Mr. Chamney[1], giving evidence, said :

> My duty is to scrutinize all applications for permits. A permit would be very rarely granted if the police report were unfavourable. My decision in the matter would be final, though the Governor has the power to alter it. The applications of Indians are placed by me before the Colonial Secretary. Lala came to me twice. He said that some Indians had false permits. Once I had allowed him to come by rail without a ticket, as he said that he would give me some information. But he brought none.

In his deposition, Lala said:

> An Indian approached me for a permit. I said "no" to him. Then he showed me a permit which was not in order. Thereupon, I went to Mr. Chamney and told him that the man had to pay £30 for the permit. Mr. Chamney asked me to take the man to his office. Then I went to Mr. Vernon and offered him money so as to be able to give information to Mr. Chamney. My intention was to know how false permits were being issued, for I was likely to get a reward for giving information about them. I am a loyal subject of His Majesty the King-Emperor and had hoped that for my loyalty I would get a Government job. No definite amount had been fixed. Harris had said that one Indian had agreed to pay £100. Before I had made up my mind, I was arrested.

The Public Prosecutor asked Lala questions about a letter received from Pretoria. Lala replied that the letter had not been correctly translated. Mr. Thompson, therefore, asked for a week's time again and the case was adjourned to June 4.

[From Gujarati]

Indian Opinion, 1-6-1907

[1] Protector of Immigrants, later Registrar of Asiatics, *vide* "Johannesburg Letter", p. 56.

7. SERVANTS OF INDIA

An Indian savant has written in *The Indian Sociologist* proposing the establishment of a society of servants of India. We give here a summary of what he has said.

That India should become united and independent is an idea that many Indians now understand and cherish. But the moral energy needed to achieve this aim is wanting. Those who would serve their country should first realize that one's life is not to be spent in pampering oneself with easy living, but that it is to be used in doing one's duty. The population of India comprises one-fifth of the world's population. The task of promoting its uplift belongs to "the servants of India". These servants are the trustees of the Indian people. They should give up the desire for wealth, status and physical comforts, and dedicate their lives to India. Fear of every kind must be overcome. Such service should be regarded as part of one's religion. Men of such patriotism will be able to imbue the people with enthusiasm by their actions rather than by their words.

Besides ardour, knowledge and wisdom will also be required. Hence "the Servants of India" should know the history of India. They should understand what India needs now. They should also study the history of other countries.

This enthusiasm and knowledge cannot remain fresh for long in a man burdened with the responsibilities of a family. A true servant will need to observe total celibacy. Those who are married but wish to render service to the country can train the members of their families to take up the same kind of work. Indian women are ignorant. It is very necessary to awaken patriotism in them. But those who are not married and wish to render service as explained above will find it best not to marry. The great patriot Mazzini[1] used to say that it was to his country that he was married.

In conclusion, he who wants to be a servant of the people needs faith. He should not worry as to where he would get his next meal from. God will provide for all His creatures.

[From Gujarati]
Indian Opinion, 1-6-1907

[1] (1805-72), Italian patriot; *vide* Vol. V, pp. 27-8.

8. TELEGRAM TO TAYOB

[JOHANNESBURG,]
June 1, 1907

TAYOB[1]
CARE GOOL
CAPE TOWN

WHY NO REPLY 21ST[2]? REPLY SHARP.

GANDHI

From the handwritten draft : S. N. 3835

9. LETTER TO PRIME MINISTER'S SECRETARY[3]

JOHANNESBURG,
June 1, 1907

THE SECRETARY TO
RIGHT HON'BLE THE PRIME MINISTER
PRETORIA

SIR,

As the Asiatic Registration Act is still the subject of correspondence between the Imperial Government and the local Government, I have been directed by my Association to seek an interview with the Prime Minister in order to submit to him a proposal which might obviate the necessity of gazetting the Act. In any case, my Association would be deeply grateful, should General Botha find time to receive the deputation on behalf of my Association before any further steps are taken in connection with the Act.

[1] A leading Indian of Cape Town
[2] This communication is not available.
[3] This was reproduced in *Indian Opinion*, 22-6-1907.

I shall, therefore, be obliged if you will kindly ascertain whether and when it will be suitable for the Prime Minister to receive a small deputation on behalf of my Association.[1]

I have the honour to be,
Sir,
Your obedient servant
ESSOP ISMAIL MIA
ACTING CHAIRMAN,
B. I. A.[2]

Prime Minister's Archives, Pretoria: File 14/1/1907

10. HONEST VIEWS

We are glad that Mr. C. P. Robinson, M. L. A., has been telling his constituents some home truths, and has not hesitated to handle an unpopular subject in the right spirit. Mr. Robinson is of opinion that the practice of the Licensing Officers in discriminating between Indian applicants and others to the disadvantage of the former is reprehensible and unjust, especially when it is a matter of existing trade rights. Mr. Robinson also thinks that, if the Colony wishes to deal with the Indian question, it should do so in a straightforward, bold and honest manner. We congratulate him on having ranged himself so honourably on the side of justice and equity. If all our legislators would adopt the same bold attitude, the Colony would soon rid itself of a great deal of cant and hypocrisy.

Indian Opinion, 8-6-1907

11. THE CAPE IMMIGRATION ACT

We draw attention to the gruesome story a correspondent from Mafeking tells about the working of the Cape Immigration Restriction Act. According to our correspondent, Indians who have returned to India, leaving their businesses ten years old and having landed property at the Cape, find it difficult to return if they are not in possession of certificates of domicile taken out by them prior to their departure, and that, similarly, Indians having been resident for a number of years find it difficult to obtain such certificates, on leaving. He adds that when they are issued, they are tenable only for one year, so that if an Indian returns to his adopted home in the Colony of the Cape of Good Hope

[1] The Prime Minister, however, did not receive the deputation. *Vide* "Letter to Prime Minister's Secretary", p. 39.
[2] British Indian Association, Johannesburg

a day later than the period given in the certificate, he would be a prohibited immigrant. A system such as this can only be described as a deliberate and cruel attempt to drive Indians out of the Cape without having to pay them any compensation whatsoever. The remedy is largely in the hands of the Cape Indians, and we warn the various associations there that they will be responsible to the community should the threatened disaster befall British Indians, and should they, five years hence, find that there are very few Indians to be found at the Cape. We would advise our correspondent to continually address the Indian associations at Cape Town until they are roused to action from their apparent lethargy.

Indian Opinion, 8-6-1907

12. THE ASIATIC REGISTRATION ACT[1]

A TERRIBLE CONTRAST

Whilst Indians are showing their firm determination not to submit to the Asiatic Registration Act, it is as well to understand their objection to it. I, therefore, propose to show in parallel columns the state that they are in now and that in which they would be under the new law.

NOW	UNDER THE NEW LAW
1. Malays are subject to Law 3 of 1885.	1. They are exempted from the new law. Many Indians have Malay wives and relatives. The position of such Indians when they meet their Malay relatives can be better imagined than described.
2. Every Asiatic in possession of a permit *bona fide* obtained is a full-fledged and lawful resident of the Transvaal.	2. He becomes dispossessed of this title and the burden of showing that the permit lawfully held by him was not fraudulently obtained is thrown on him to entitle him to receive the new registration certificate.
3. An Asiatic child born since the 31st day of May, 1902 in the Orange River Colony, is entitled to enter and remain in the Transvaal.	3. Such child is debarred.

[1] This appeared as "Specially Contributed". For the text of the Act as it was finally passed, *vide* Appendix I.

4. Present permits held by Asiatics entitle them to enter and reside in the Transvaal and Orange River Colony. Whether these are of any use for going into the Orange River Colony is not the question.	4. This right, so far as the permit can give it, is taken away.
5. Asiatics holding permits to reside in the Orange River Colony are in a position to enter the Transvaal on the strength thereof.	5. These are not allowed.
6. Present permits cannot be changed without the consent of the holders.	6. They are subject to alteration at the will of the Government.
7. Asiatic children are not required to take out permits.	7. The guardian of such child is bound, under heavy penalty, to have particulars of identification of such child, no matter how young, endorsed on his registration. When the child reaches the age of 8 years, the guardian is bound to again approach the Registrar and take out registration for such child, furnishing further particulars as to identification, etc.
8. Minors who are at present in the Transvaal are entitled to remain without a permit, and are not liable to leave the country on attaining majority.	8. All such boys on reaching the age of 16 are liable to be deported unless they obtain from the Registrar registration certificates, the granting of which is at his discretion.
9. No Asiatic is bound to furnish particulars of identification.	9. Even a Kaffir policeman may demand production of certificate and particulars of identification, which may be fixed by regulation from time to time. Such policeman may, notwithstanding, take the Asiatic to the nearest police station, where the same inquiry may be repeated, and, if the Officer at the station is not satisfied, he may detain the Asiatic in the cell overnight.

10. An Asiatic can demand a trade licence as a right against payment without production of permit.	10. No Asiatic may receive such licence unless he produces his registration certificate and furnishes means of identification, as may be prescribed by regulation. If, therefore, there are partners in any Asiatic firm, the Licensing Officer may insist upon the presence of all the parties and submit them to a humiliating examination before giving them their licence.
11. Any Asiatic is free to employ any other Asiatic.	11. Any Asiatic who brings into the Colony an Asiatic under the age of 16 (even his son!) without a permit for him, or who employs such child, is liable to be heavily fined or sent to gaol, and to have his own right to reside in the Transvaal cancelled.
12. The Registrar, at present, has fairly strong authority.	12. The Registrar practically becomes the master of Asiatics with almost unlimited power over their personal liberty.
13. Asiatics who come in possession of certificates belonging to others commit no crime.	13. Asiatics having such certificates (evidently a father having his son's register) are bound to deliver same by post under pain of being fined £50 or, in default, sent to gaol.

Additional Points to be Noted

1. The new law does not apply to Kaffirs, to Cape Boys, and Christian subjects of the Turkish Empire, whereas it applies to the Mahomedan subjects of that Empire, and it thus insults Indians and their religion in a cold-blooded manner. It reduces them to a state of serfdom although belonging to civilized countries. It reduces them to a position lower than that of the Kaffirs, Cape Boys and Malays.

2. It puts a premium on fraud. It might have occurred to the framers of the law that there is nothing to prevent an Asiatic impersonating a Malay or Cape Boy.

3. It opens up a fertile field for permit agents to prey upon harmless Asiatics. It must be well known to the Permit authorities that Asiatics are not, as a rule, capable of filling in complicated application forms,

being ignorant of the ways of Government departments and easily terrorized. At the very least, therefore, assuming that Indians and Chinese combined would make 12,000 applicants, they would be robbed of £36,000, counting the fee at £3 per head on an average.

Who, then, can wonder if Asiatics prefer gaol to submission to such an extraordinary law and to such extortion? Verily, the whole of the Transvaal would to them become, during their residence therein, a wretched gaol. It does, indeed, need the intoxication of power to blind one to the wretched state of misery to which the new law reduces Asiatics.

Indian Opinion, 8-6-1907

13. NEW OBNOXIOUS LAW

Futile is strength devoid of courage,
Doomed is a house divided;
Naught is wealth without knowledge,
And evil the use of learning by the wicked.

A summary of this Act was published in our issue of September 1 [1906]. Even so, we give here a more detailed translation, so that people may form a correct judgment on the real nature of the Act. Between the summary of the Act published by us in September and the Act that has now been passed, there is some difference that is worth noting. The Act as it stands now is even more anti-Indian than the original version.

1. Law No. 3 of 1885 will remain in force with modifications that follow.
2. The term "Asiatic" will mean Indians, coolies, and Muslim subjects of Turkey. It will not include Malays and the Chinese who had come in as indentured labourers. (There are other definitions, of Registrar, etc., which are not given here.)
3. Every Asiatic lawfully residing in the Transvaal must register himself. There will be no fee for such registration.

Asiatics of the following description will be deemed lawful residents of the Transvaal:

(a) Any Asiatic who holds a permit under the Permit Act, unless such permit was fraudulently obtained. (Temporary permits are not covered by this.)
(b) Any Asiatic resident and actually in the Transvaal on the 31st of May, 1902.
(c) Any Asiatic born in the Transvaal after the 31st of May, 1902.

4. Every Asiatic resident in the Transvaal at the date of the taking effect of this Act shall apply for registration to such officer, at such place and before such date as may be prescribed by the

Colonial Secretary. Every Asiatic who enters the Transvaal after the date of the taking effect of this Act, who has not previously been registered thereunder, shall apply for registration within eight days of his entry.

(a) It is not necessary to make an application under this clause for a child under the age of eight years.

(b) For the registration of a child above eight years and under sixteen years, the application shall be made by his guardian and, if not so made, shall be made by such child within one month after attaining the age of sixteen years.

5. The Registrar shall consider the applications of Asiatics who are lawful residents, and register every such applicant whose application may be approved by him.

If the Registrar rejects the application of any Asiatic, he will give to the person concerned at least fourteen days' notice to appear before a magistrate. If he fails to appear at the time specified, or having appeared fails to satisfy the magistrate as to his right to remain in the Transvaal, the magistrate shall order such Asiatic to leave the Transvaal if he is above sixteen years of age. On the other hand, if the magistrate is satisfied that the Asiatic concerned is lawfully resident in the Transvaal, he shall order the Registrar to issue him the certificate of registration.

6. Any Asiatic who is the guardian of a child under eight shall, upon making application for registration on his own behalf, supply to the Registrar such particulars and furnish such means of identification in respect of the child as may be prescribed by regulation. If the applicant is himself registered, such particulars shall be noted on the register. Within one year of the child attaining the age of eight, the guardian concerned shall make application for registration on behalf of the child at the office of the Resident Magistrate of the district in which he resides.

An Asiatic who is the guardian of a child born in the Transvaal shall apply for registration on behalf of the child within one year of the child reaching the age of eight.

(a) If the guardian does not apply as required above, he shall if required by the Registrar or the Resident Magistrate make such application at any later date.

(b) If the guardian does not apply, or if the application made by the guardian is rejected, the application for registration shall be made by the child within one month after reaching the age of sixteen. The Resident Magistrate at whose office such application is made shall cause the application along with the relevant documents to be forwarded to the Registrar who shall, if satisfied that the same is in order, issue a certificate of registration.

7. When the guardian has not, as required above, furnished the particulars of a child under the age of eight years and has not made application for registration on behalf of the child after he had attained the age of eight years, the application shall be made by the child within one month after he attains the age of sixteen, and the Registrar may issue a certificate of registration in his discretion.
8. Any person who shall fail to make application for registration as required by this Act shall be liable to a fine not exceeding £100 and, in default of payment, to imprisonment with or without hard labour for a period not exceeding three months.

Any person who brings into the Transvaal an Asiatic under the age of sixteen years not lawfully resident in the Transvaal, and any person who shall employ such child, shall be guilty of an offence and shall be liable to the penalties mentioned above and to cancellation of his certificate of registration, in addition to which he will be ordered to leave the Transvaal. If he does not leave the Transvaal, he will be liable to a fine or to imprisonment, as provided in the law.

Any Asiatic over the age of sixteen years who is found in the Transvaal without a registration certificate after such date as may be notified by the Colonial Secretary will be ordered to leave the Transvaal, and if he does not leave the Transvaal, shall be liable to a fine or to imprisonment.

If an Asiatic who has failed to make application for registration shall satisfy the magistrate that such failure was due to some good and sufficient cause, the magistrate may give him time to make such application. If the person fails to obtain registration within the appointed time, he shall again be ordered to leave the Transvaal, and if he fails to do so, shall be liable to the usual penalties.

9. Any member of the police force or any other person authorized thereto by the Colonial Secretary may require an Asiatic of the age of sixteen or over to produce his certificate of registration and supply such particulars and furnish such means of identification as may be prescribed by regulation.

With regard to an Asiatic under the age of sixteen years, the guardian of such child shall produce the certificate of registration and supply the particulars and furnish the means of identification required by this Act.

10. Any person holding a new certificate of registration issued to him under this Act shall be entitled to enter and to reside in the Transvaal.
11. Any person into whose hands shall come any certificate of registration or temporary permit of which he is not the lawful holder shall transmit the document immediately to the Registrar.

If he fails to do so, he shall be liable to a fine not exceeding £50 or to imprisonment with or without hard labour for a period not exceeding one month.

12. Any person who loses his certificate of registration shall apply to the Registrar to have it renewed. The application shall contain such particulars as may be required under the rules, and it must have a 5s stamp affixed to it.
13. After a date to be notified in the *Gazette*, no Asiatic shall obtain a trading licence under the Revenue Licences Ordinance or under any bye-law in force in a municipal area unless he produces his certificate of registration and supplies such particulars and furnishes such means of identification as may be prescribed by regulation.
14. Whenever the age of any Asiatic is in question, such Asiatic shall, unless and until the contrary be proved, be taken to be of the age which the Registrar shall certify to be in his opinion the apparent age of such Asiatic.
15. Any affidavit that may have to be made under this Act shall be exempt from stamp duty.
16. Any person who commits any fraudulent act in connection with an application for registration or for the purpose of obtaining a certificate of registration or makes a false statement, or incites or aids any person in such act or statement, or forges any certificate of registration, or uses as his certificate any certificate of registration of which he is not the lawful holder or any forged certificate, or causes such certificate to be used by others, shall be liable to a fine not exceeding £500 or to imprisonment with or without hard labour for a term not exceeding two years.
17. The Colonial Secretary may in his absolute discretion issue to any Asiatic a permit for a limited time only. The provisions of Section 9 shall apply to such permits, and temporary permits issued before the date of the taking effect of this Act shall also be governed by this Act. Any person who holds a temporary permit may be exempted from the restrictions on the use of liquor. The Colonial Secretary may also grant such exemption to an Asiatic who is not subject to the provisions of this Act.
18. The Governor may from time to time make or repeal regulations for any of the following purposes:

(1) Prescribing the form of the register to be kept under this Act;
(2) Prescribing the manner and form in which application shall be made for registration, the particulars to be supplied and the means of identification to be furnished;
(3) Prescribing the form of certificates of registration;

(4) Prescribing the particulars and the means of identification marks to be furnished by the guardian of a child under the age of eight years, by any Asiatic who may be required to produce his certificate of registration under Section 9, by any Asiatic applying for the renewal of any certificate of registration which has been lost or destroyed and by any Asiatic applying for a trading licence.

(5) Prescribing the form of permit to be issued under Section 17 of the Act.

19. Any Asiatic or guardian of an Asiatic failing to comply with any requirement of this Act shall, except where otherwise specified, be liable to a fine not exceeding £100 or to imprisonment with or without hard labour for a period not exceeding three months.

20. The Labour Importation Ordinance relating to the Chinese shall not apply to Asiatics.

21. If an Asiatic has acquired any land in his name before the taking effect of the Law [3] of 1885, his heir and successor will be entitled to that land.

22. This Act shall not come into force till such time as the Emperor is pleased to give his assent and his assent is notified in the *Gazette*.

IMPLICATIONS OF ACT

Fortunately for Indians, no Indian is found ready to accept this obnoxious law. Nevertheless, we show below how the condition to which Indians will now be reduced will be much worse than what they have suffered so far, so that those Indians who are firm may become stronger in their determination, and those who are wavering in their minds may give up their doubts, may of their own accord break away from the clutches of the Act, remain free and thus prove themselves to be brave men.

1. The new law does not apply to Malays, but applies to Indians.
2. It does not apply to Kaffirs and Cape Boys.
3. It does not apply to Turkish Christians, but does to [Turkish] Muslims.
4. At present, every Indian in possession of a permit bearing his thumb-impression is a lawful resident. Under the new Act, he becomes dispossessed of this title, and, when applying for a new permit, such Indian will have to show how his earlier valid permit was obtained.
5. Present permits cannot be changed without the consent of the holders. The permits to be issued under the new Act are subject to alteration at the will of the Government.
6. The present permits held by Indians entitle them to enter and reside in the Orange River Colony. Whether these are of any

use or not is not the question. Under this new Act, the name of the Orange River Colony is omitted from the permits.

7. At present, Indians holding permits to reside in the Orange River Colony are in a position to enter the Transvaal on the strength thereof. Under the new Act, they will not be able to do so.
8. At present, no Indian is bound to give his thumb-impression or his signature to obtain a permit. Under the new Act, by making or modifying rules from time to time at its pleasure, the Government can prescribe the giving of signature or thumb-impression, or any other thing to be done, as compulsory.
9. At present, only the Permit Secretary is authorized to inspect a permit. Under the new Act, every Kaffir police constable can do so.
10. Under the new Act, a Kaffir police constable can ask [an Asiatic] for particulars of name and identity, and, if not satisfied, can take him to the police station. The Station Officer, if not satisfied with the particulars, may detain the Asiatic in a cell and produce him before a magistrate the next day. All this cannot be done under the present Act.
11. At present, no permit is required for a child one day old, and no one dare ask for particulars of name and identity in respect of such child. Under the new Act, the guardian of such child is bound to have particulars of identification of such child, no matter how young, endorsed on his registration.
12. At present, an Asiatic child is free after reaching the age of eight. Under the new Act, even after having the required particulars endorsed as above, the guardian is bound again to approach the Registrar and take out registration for such child, furnishing further particulars as to identification, etc. In case he fails to do so, he will be liable to punishment.
13. Asiatic children who are at present in the Transvaal are entitled to remain without a permit, and are not liable to leave the country on attaining majority. Under the new Act, all such boys are liable to be deported unless they obtain from the Registrar registration certificates, the granting of which is at his discretion.
14. At present, an Asiatic is free to bring with him a child under the age of sixteen without a permit for him. Under the new Act, any Asiatic doing so is liable to imprisonment with hard labour, and to have his own registration cancelled.
15. At present, any Asiatic can obtain a trading licence without production of a permit. Under the new Act, he will have to produce his new register and furnish particulars of name, etc.,

and means of identification. Which means that if there are partners in an Indian firm, the Licensing Officer may insist upon the presence of all the parties. In case they do not remain present, he can refuse to issue the licence.

16. At present, the authority of the Registrar is relatively limited. Under the new Act, if accepted by Indians, the Registrar will practically become their master.
17. Under the new Act, applying for registration is compulsory for every Indian. Indians who are in a position to apply for themselves are very rare. Permit agents have earned much but if the Indians submit to the new Act, those agents will have a fertile field opened up to them, money flowing into their hands like a swarm of serpents rushing out of a mound. At the very least, therefore, assuming that there will be 10,000 Indian applicants, they will be robbed of £30,000, counting the fee at £3 per head on an average.
18. Anyone submitting to such an oppressive law and obtaining registers, or causing others to obtain them, will be shedding the blood of Indians by robbing them as above.

Is there any Indian who is not roused to fury by such a law? We should very much like to know the Indian whose blood does not boil. And it is incredible to us that any Indian may want to submit to such legislation. This new Act is the extreme limit of slavery. And it is our earnest hope that no Indian will accept it, whatever the benefit he may get thereby, but that everyone will resist it at all cost. What Mr. Kallenbach[1] writes is quite true: that is, if we submit to such a law, we deserve it.[2] Everyone will believe so. It is to be borne in mind that this Act not only insults Indians but casts a slur on the religion of both Hindus and Muslims. For, Hindus and Muslims who come from India are, as a matter of course, covered by it. But even the Muslims of Turkey (which is considered a part of Europe) are brought within the mischief of the Act, as if the Transvaal Government will be in danger if Muslims not belonging to India are excluded. Christians from that country are not touched.

[From Gujarati]
Indian Opinion, 8-6-1907

[1] German architect who became a friend and associate of Gandhiji in his experiments in simple living; courted arrest during the passive resistance movement in South Africa. *Vide Satyagraha in South Africa*, Ch. XXIII, XXXIII to XXXV.

[2] *Vide* "Johannesburg Letter", p. 32.

14. COMMITTEE'S MISTAKE

The South Africa British Indian Committee's communication to General Botha is very good and covers every point. This Committee has done so much work and done it so well that we cannot thank Sir Muncherjee[1], Mr. Ritch[2] and other members well enough. We therefore feel some hesitation in pointing out one mistake the Committee has made in the communication. However, it is our duty to do so. The mistake does not diminish the value of the Committee. It only proves how every human being is liable to err. The mistake consists in the suggestion that the Indian community may, at its option, append photographs in place of finger-prints. Though it has been left to the Indians whether or not to append the photograph, we hold that even the suggestion should not have been made by the Committee. Moreover, the Committee's communication makes it appear as though the giving of finger-prints were the only or the greatest objection to the new law. In fact, finger-prints form but one of the objections. The crucial point is the compulsory registration under the law, which casts a slur on the community and brands it as unworthy.

However, the mistake is not likely to do any harm. No such mistake was made during the struggle against the Bill. After the Bill has become law, the Committee's suggestion is not likely to have any adverse effect. For now the matter rests in the hands of the Indian community. If the Indian community really disapproves of the law, it will not submit to it, no matter what calamities befall it; it will accept imprisonment for not submitting to it; and will feel happy doing so because its honour will have been preserved.

As Mr. Ritch says, some members may even leave the Committee, as Mr. Rees[3] did, on seeing the Indian community determined to disobey the law. It is likely that such members will advise us to submit to disgrace. Even so, we need not be afraid, for the Indian community holds it to be a virtue not to submit to the new law, and in doing a good deed we need not be afraid of anyone. Knowing that God always protects the righteous, the Transvaal Indians should keep to the straight path they have chosen for themselves.

[From Gujarati]

Indian Opinion, 8-6-1907

[1] (1851-1933), Indian barrister, Member of Parliament and of British Committee of the Indian National Congress. *Vide* Vol. II, p. 376.

[2] Secretary, South Africa British Indian Committee

[3] J. D. Rees *vide* Vol. VI, p. 405.

15. INDIANS OF CAPE TOWN

It appears to us that the condition of Indians in Cape Town is likely to be very bad in days to come. We publish elsewhere in this issue a letter received from Mafeking and draw the attention of every Indian leader in Cape Town to it. The worst clause in the Cape Town Act is to the effect that an Indian who leaves Cape Town without a pass cannot return to it. Such a pass will be valid only for one year. There are hundreds of Indians who know nothing about taking out a pass. Even if a pass is taken out, it will not be possible for everyone to return with that pass within one year. As a result of this Act, it is likely that within five years Indians will have left Cape Town, bag and baggage. We earnestly hope that leading Indians in Cape Town will deeply ponder over this question and take suitable steps.

[From Gujarati]
Indian Opinion, 8-6-1907

16. LATE MR. KARL BLIND

News has been received by cable that Mr. Karl Blind[1] is dead. This gentleman was a famous German. He was born in 1826. He suffered imprisonment five times, between 1847 and 1849, in the cause of freedom and for the rights of others. In this way he had to suffer imprisonment for opposing his Government. Once he was even sentenced to death for a public cause, but was saved. Later, he again suffered imprisonment for eight years, but in the end people got him released through pressure. This great man was a friend of Mazzini and Garibaldi[2]. He helped Japan against Russia. He was a very learned man. He has written many historical works. He was a lover of India. Such scholars who, making other people's sufferings their own, have served sentences of imprisonment and even faced the gallows provide a very useful example to us today.

[From Gujarati]
Indian Opinion, 8-6-1907

[1] German revolutionary who settled in England and advocated political freedom

[2] (1807-32), Italian patriot and soldier, who fought for the liberation of his country

17. WHAT CAN HINDU WIDOWS DO?

Everyone can see that in India a great deal of wealth is being wasted. This wealth includes many things. None takes care of the minerals. Our cotton is exported to foreign countries, and cloth is imported from there. Even a pin has to be imported from abroad. What happens to our material wealth seems to be happening to our human wealth also. Many *bavas* and *fakirs* maintain themselves by begging, but serve neither themselves nor the country. For going about begging in this manner, they will not be regarded as having attained true renunciation. In the same way, thousands of widows, mostly among Hindus, spend their whole life to no purpose. And to that extent the wealth of India is being wasted. To prevent this waste, the benevolent Prof. Karve[1] of Poona has dedicated his life to the country. He has been working in the Fergusson College only on a living wage. Not only that, but he has also been running for several years an institution in Poona for the education of widows. There, women are given training in midwifery and nursing. The work of the institution has been expanding. Because he is rendering honorary service himself, he is able to get similar assistance from others too. Mrs. Kashibai Deodhar, Mrs. Namjoshi, Mrs. Athavale and Mrs. Deshpande—all these ladies who have had very good English education have been giving honorary service to the institution. Moreover, he goes about from place to place collecting funds. There are so many things which can be done through sheer self-help and without Government aid. From every point of view, education is the most important thing for us.

[From Gujarati]
Indian Opinion, 8-6-1907

18. JOHANNESBURG LETTER

New Law

This law has not yet been published in the *Gazette*. Meanwhile, cables received from England indicate that the Imperial Government is still considering the matter. When Lord Ampthill[2] raised a discussion in

[1] D. K. Karve (1858-), founder of Women's University, Poona

[2] (1869-1936), Governor of Madras, 1899-1906, acted as Viceroy and Governor-General of India, 1904. *Vide* also "Lord Ampthill", p. 65.

the House of Lords, Lord Lansdowne[1] said that wounding the susceptibilities of the whole Indian community would be more injurious and imprudent than the surreptitious entry of a few Indians into the country. In his reply, Lord Elgin[2] said that he [also] did not like to put his signature to the Act. The lesson of this is that Indians should not submit to the law. It will be a great humiliation to the Indian community if it submits to a law which has raised such a heated controversy and has been so much condemned.

Repercussions of Transvaal Law

It is not as if the effects of this law will be felt only here. Already, its repercussions have reached even German East Africa. The Germans there wish to take full advantage of the Indian trader, without however allowing him any benefit in return. Some Germans expressed the fear that the British Government might intervene if the Indian traders were harassed. A member of the German Parliament replied by asking how the British Government, which did not intervene in the case of the Transvaal, could do so in respect of the Germans. This too points to the self-same lesson. As soon as the Indian community submits to the new law, it may be taken for granted that its foothold in all territories outside India will be lost. Thereafter, only those Indians will be able to reside in places outside India who will live on their labour, without any status.

Advice of Prominent White

I had a meeting with a prominent member of the Transvaal Parliament. On being asked about the gaol resolution, he immediately replied that if we went to prison, no further steps would be necessary. He had not expected that Indians would show so much courage and display such spirit for the sake of the community and for their honour. If we remained united and adhered to the gaol resolution, he promised to give us as much help as he could. Moreover, he added, the entire Liberal Party in England would come to our rescue and the new law would be repealed. He quoted Burke, the great English writer, who used to say that thousands of men could not be sent to the gallows, nor could they be kept confined behind prison-bars.

What White Trader Says

A white merchant took upon himself to give prudent advice and said that the Indian community should submit to the law. He was asked if he thought that others were happy because he himself lived in comfort and happiness as a result of the struggle that his ancestors had put up. He could not answer the question. In the end I asked him, in the

[1] (1845-1927), Viceroy and Governor-General of India, 1888-93; Foreign Secretary, 1900-6

[2] Secretary of State for the Colonies, 1905-8

presence of a big customer, "Suppose your customer sacrifices his all and goes to gaol for the sake of his community. Will he not, when he comes out, rise in your estimation? Will you not help him more liberally?" To this he replied, "Yes. That's right. But do your people have so much courage?" Ultimately, the thing comes to this: in the market the Indian cowrie is treated as a bad coin at present, and so the value of the Indian is the value of a bad coin.

Letter to "The Star"

As General Botha has returned and the Committee in England is still continuing its struggle against the law, Mr. Gandhi has addressed the following letter to *The Star*:[1]

The arrival of General Botha and the fact that the Asiatic Registration Act is still the subject matter of correspondence between the Imperial Government and the local Government, encourage me to appeal once more to your good sense and, through you, to that of the Colonists. Now that the anti-Asiatic party has obtained what it wanted, is it impossible to arrive at a reasonable compromise and to do away with a law under which Indians will be treated as criminals? The Act is not yet gazetted, and it need not be. I, therefore, suggest that a form for new permits may be mutually agreed upon, and, in accordance with it, Indians and other Asiatics may be registered afresh in exchange for proper documents they may possess. If, then, all Asiatics thus voluntarily surrender their documents, there can be no occasion for submitting them to any degradation. If, however, there are Asiatics in the Colony who do not surrender their documents, the Act can be immediately gazetted, and be made applicable, by a short Bill, to them. Thus, those who are *bona fide* holders of permits and are honest will be automatically separated from those who are guilty.

I do not know whether you can see any flaw in this proposal, unless you think that the object of the legislation is not that illicit traffic in permits may be stopped, but that it is to, openly and boldly, put an unwarranted affront upon British Indians and other Asiatics. Let me remind you, before any such declaration is made, of Lord Ampthill's remarks:

> This is not a matter which only touches our honour. We are pledged to our fellow-citizens in India—pledged by the solemn declaration of the Sovereign, by the pronouncements of our statesmen, and by all that is implied in the whole method of our administration of that great dominion—to treat the people of India as fellow-citizens in every sense of the word. We invite them to be proud of their citizenship of the Empire. We tell them, again and again, that there is nothing to prevent their rising to the same positions as are held by Englishmen in India, and we imply, in all that we do for them and say to them, that wherever they are under the British flag in any part of the world, they will be treated as British citizens.

Lord Lansdowne feels so keenly humiliated by this Act, that he questions whether to wound the susceptibilities of the whole Indian nation is not a more important matter than the conditions in the Transvaal. But the proposal I have ventured to sketch above is just as effective against surreptitious entry as may be by the Asiatic Act.

[1] The text is given here with some alterations needed to bring it into conformity with the Gujarati version; *vide* Vol. VI, pp. 501-2.

If the Government does not accept the suggestion made in this letter, it would obviously mean that the new law had no other aim than that of humiliating the Indian community. Then the fable of the wolf and the lamb would apply. The wolf is bent on killing the lamb anyhow.

Kallenbach's Help

Mr. Kallenbach is a well-known architect of Johannesburg. He has written the following letter to *The Star* in order to sustain the spirit of the Indian community and encourage it in its gaol-going resolve. This letter is also published along with Mr. Gandhi's:[1]

> Although, for some reasons, I am not taking part in political matters, I have been following with interest the various stages of action among the Transvaal Indians in their struggle to defend their legitimate rights by that 'gaol resolution'.
>
> I have read the various Press comments on the latter question, and also Mr. Gandhi's letter to *The Star,* in all of which the gaol resolution was discussed. I for one am of the opinion that the Asiatic Registration Ordinance imposes certain conditions which are degrading to any man of self-respect, and if this was not keenly felt by Asiatics, it would be a clear proof that they fully deserve the Registration Act. I think it most unfair to call those men, who are working in order to show to their countrymen the deep humiliation which the new legislation tries to impose upon them, "aggressive agitators". I believe it to be the duty of those Indians, who are able to grasp the conditions of the new legislation, to impart this knowledge to every one of their countrymen and to do their utmost to so raise and strengthen their self-respect that by united action those humiliating conditions are changed. I feel sure that the fear of the Indian storekeepers' competition has not deadened every "white man's" sense of justice, and that many of them—and I hope that their number is not small—cannot do otherwise than show their admiration and full sympathy for men who, rather than submit to humiliating legislative conditions, go to gaol, setting aside, in addition to the hardships of prison life which they are prepared to face, monetary losses too.
>
> I have never overlooked the very keen competition existing between the various races, but I have found that it has been exaggerated on the European side. The suggestions and propositions made by the British Indian Association of Johannesburg appeared to me very reasonable and fair, and I feel certain that fuller knowledge of the Indian question in the Transvaal, by those men responsible for and dealing with the same, would have prevented the present acute state of affairs.
>
> In conclusion, I wish to say that I shall consider it a privilege to visit my Indian friends in the gaol and to do my utmost to redress the hardships of prison life which they are prepared to undergo....

Mr. Kallenbach deserves compliments for having written such a noble letter. It would not be surprising if more whites like him came forward. If already men like Mr. Kallenbach have come forward to

[1] The text is given here with some alterations needed to bring it into conformity with the Gujarati version.

express their sympathy even though we have nothing to show by way of action, many more will do so when we actually do something.

MEETING OF ASSOCIATION

At 4.30 p.m. on Saturday, a meeting of the Association took place to consider the question of a deputation to General Botha. Those present included the acting Chairman, Mr. Essop Mia, Messrs Abdool Gani[1], Coovadia, Naidoo, Omarji Sale, Alibhai Akuji, Pillay, Mahomed, Emam Abdool Cadir and other gentlemen. Mr. Hajee Habib[2] had come from Pretoria specially to attend this meeting. After certain points had been decided, it was resolved to send a deputation to General Botha, Mr. Hajee Habib moving and Mr. Coovadia seconding the resolution. It was also decided to submit a petition requesting the Government to accept the proposal contained in Mr. Gandhi's letter to *The Star* referred to above, and that General Botha should be informed that, if that proposal was turned down by the Government and the desired changes were not made in the law, the Indian community would never accept the law and would adhere to the September Resolution. It was resolved that the deputation should consist of Messrs Essop Mia, Abdool Gani, Hajee Habib, Moonlight, and Gandhi. Accordingly, Mr. Essop Mia has asked General Botha for an appointment.[3] By the time this letter is published in *Indian Opinion*, the deputation may have already waited upon General Botha.

WHAT CAN GOVERNMENT DO BUT IMPRISON US?

It has been suggested that the Government may not prosecute any Indian for not taking out the new registers, but quietly wait till the end of the year when Indians will have to close down their businesses, since their trading licences will not be renewed. It is improbable that this will happen. For, in that case, the hundreds of Indians who hold no trading licences will never come within the sweep of the law. The employees of a trader will escape penalty. Adopting that course will render the law as good as non-existent. But supposing that the Government's intention is only to harass merchants, I have already given the reply that once we have discarded the fear of imprisonment, there is nothing for us to be afraid of. The Government itself will stand to lose if it does not grant licences. For, the merchant can carry on his trade without a licence. The risk in doing so will be just the same as the risk in not taking out the new register. If the new register is not taken out, at the most one has to go to gaol. In the same way, for trading without a licence one may have to go to gaol. The only

[1] Chairman, British Indian Association, 1903-7

[2] Secretary, Pretoria Committee of the British Indian Association

[3] *Vide* "Letter to Prime Minister's Secretary", p. 15. The deputation, however did not materialize; *vide* p. 39.

difference will be that only one man will be punished for trading without a licence, with the result that the shop can remain open and the employees can work in it. On the other hand, for not holding the new register everyone can be arrested.

Can Goods of Merchant Trading Without Licence be Auctioned?

This question also has been raised. According to the Natal law the goods can be auctioned. But in the Transvaal, in case of non-payment of fine the defaulter has to go to gaol. Fine is not to be paid by anyone. If therefore the Government should want to exercise pressure on us through the trade licence, all shopkeepers and hawkers will start trading without a licence.

Can Shops be Closed down?

It has been asked whether the Government can close down the shop of anyone trading without a licence. Nowhere in South Africa is there a law providing for the forcible closure of a shop. There is therefore no such danger.

What Changes can be Made through Regulations?

There has been an inquiry as to whether it will be possible for General Botha to give us relief in the regulations, and whether it will still be necessary for us to resist the law if we get all the relief asked for. In the first place, it is essential to know what can be secured through regulations. These can only determine whether a thumb-impression or digit-impressions will be required or whether signatures will be enough. But such matters as registration of children, harassment by the police, showing of identification marks to the police, etc., which are the oppressive sections in this Act, cannot be changed by regulations. In brief, the slur that the law casts on us cannot be wiped out by regulations framed under it. Without amending the law therefore General Botha cannot give us the redress we seek. It is absolutely futile to hope that the law will be amended. The utmost that can be done is not to have the law gazetted for the present. By this the prestige of both parties will be maintained. If the law is so amended as to make it acceptable to us, the Government will lose face.

Free Indians Worse than Dogs

A huge agricultural exhibition is being held here just now. The Exhibition Committee has framed a regulation to the effect that free Asiatics or Natives who are not employees of whites cannot visit the exhibition. However, dogs are free to enter, and, what is more, good pedigree dogs are awarded prizes! In the opinion of this white Committee, a free Indian is worse than these dogs.

PERMIT OFFICE

A case appears to have just occurred which shows that we did very well in having boycotted the Permit Office. An Indian had received a notice saying that a permit would be issued to him. He had only to go to the Office and receive it. He was therefore advised that he might accept the permit if no mention of the new law was made. Accordingly, he went to the Permit Office. However, Mr. Chamney told him that the permit would be issued to him only if he gave an assurance that he would submit to the new law. The brave Indian refused to comply and left the Office without the permit. Every Indian should understand that the Permit Office is a trap for Indians.

WHAT INDIAN TRADERS CAN DO

Many Indian traders say that the Dutchmen are ready to send a petition to the Government stating that they are not against us. If this is the case, it is necessary for every Indian trader to obtain signatures of Dutchmen on such a petition. It is not necessary to make much fuss in the matter. If the traders wish to take it up, petition forms will be sent to them. Those in a position to obtain signatures should write to the Association.

REGULATIONS FOR HAWKERS

The Government has returned [to the Town Council] the regulations for hawkers, saying that the licence fee of £5 may be reduced to £3. The Council Committee has sent a reply stating that the rate of £5 should be retained, as a reduction would result in financial loss.

PERMIT CASE

Permit cases have been going on for some time. Two washermen were accused of using false permits and of staying without permits. In their defence, they stated that an Indian had taken them to Johannesburg, telling them that the Permit Officer visited the town and issued permits. The said Indian demanded from each of the washermen £30, which they agreed to pay. They went to the place of the Indian where they saw a disguised European. He gave them permits and they each paid £30. They were acquitted of the charge of having used false permits as they were not aware that the permits given by the European were false. But on the charge of having resided without a permit, they have been ordered to leave the Transvaal within seven days. It will be interesting to know who this white officer may be, for there are various rumours current in the town.

A similar charge was brought against another Indian. It was based on the affidavit of some Indian. In deposing before the magistrate, the Indian who had made the affidavit turned hostile to the prosecution.

Thereupon the magistrate discharged the accused and sentenced the other Indian for giving false evidence. The case of this gentleman appears to prove the truth of the saying, "He who digs a pit will himself fall into it."

[From Gujarati]

Indian Opinion, 8-6-1907

19. CONDITION OF MUSLIMS IN AFGHANISTAN

We published some time ago an article by Mr. Saiyed Ali, B.A., on Muslim administration. The second part of that article appeared in the *Indian Review* of March which we briefly summarize below.

We have considered Turkey and Iran. Let us now turn to Afghanistan, which has made big advances recently. It can safely be stated that before Amir Abdur Rahman ascended the throne, there was hardly any administration in Afghanistan, though, even then, there were councils called *Ulu* and *Malik*. Residents of the various localities in a village sent representatives to a council known as *Khel*, and the *Ulu* was elected from out of them. But in those times, owing to the difficult temper of the people, no one could maintain control over the administration. Then thieves had their arms cut off. If a slave tried to run away, he had his legs chopped off. The different provinces were governed by local chieftains and Sardars. Above the Sardars there were Amirs, but the Sardars showed little respect for their authority. The Pathan is by nature an adventurous individual, and so he was quite at home with such unsettled conditions. In those times, punishments such as those described above were the only effective ones. Once a Pathan told General Elphinstone[1] in reply to a question: "We are content to remain quarrelling; we are not afraid of dangers, and do not grow pale at the sight of blood. Come what may, we will not give up our freedom and submit ourselves to any Emperor."

After coming to the throne, Amir Abdur Rahman introduced important changes. He took the utmost advantage of the fact that his kingdom was a buffer State between Russia and England. Sometimes he would lean towards Russia and sometimes towards England. He would not quarrel openly with either, and in the end, would side with England. This shrewdness of his won the admiration of European statesmen. He always had things to his advantage, but yielded nothing to others in return. In the internal affairs of the kingdom, too, he showed the highest ability, and broke the power of the local chieftains. He reformed the civil law. The annual tribute of twelve lakhs of rupees which he used to receive from the Government of India, later raised to

[1] (1779-1859), statesman and historian, Lieutenant-Governor of Bombay, 1819-27

eighteen lakhs, was put to wise use. He formed an army, stocked ammunition and expanded trade. Unnecessary taxes were removed, and a mint was established. The present ruler has raised the status of Afghanistan even further. He has established two councils, named *Darbar-e-Shahi* and *Kwajan Shahi*. Under such a political system even the temper of the Pathans has begun to change. If the present trend continues for long, the warlike Pathan will have established a strong kingdom in the East. All the same, it must be admitted that the people of Afghanistan do not interest themselves in political affairs. Amir Habibullah Khan is an Emperor. He is a brave soldier and a pious man. His Majesty never missed his prayers while in India. We cannot say for certain whether or not he will observe the agreement of 1905. The Amir is now accorded the status of an Emperor and receives a salute of thirty-one guns. He now enjoys the same power that the Shah of Iran does.

[From Gujarati]

Indian Opinion, 8-6-1907

20. *LETTER TO "THE STAR"*[1]

P. O. Box 3553,
[JOHANNESBURG,]
June 8, 1907

TO
THE EDITOR
THE STAR
[JOHANNESBURG]

SIR,

I have seen the *Gazette* notice today intimating that the Asiatic Law Amendment Act has received the Royal sanction, and that it will come into force on a day to be appointed. I do not know what this means, but it leaves breathing space, and I, therefore, wish to place before the public a mercantile view of the Act. In order to do that, I am obliged to enter into a bit of autobiography. I have been settled in the Transvaal for the last 19 years, and have the honour to represent, as managing partner, the firm of Suliman Ismail Mia and Co. My firm has very large dealings with European wholesale houses, who have, need I say, derived very considerable pecuniary profit from their transactions with the firm. It suffered severe reverses during the Jameson Raid[2], and yet its creditors were paid in full. It underwent a similar ordeal during the Boer War; the creditors were still paid in full. And

[1] Presumably, this was drafted by Gandhiji. It was reproduced in *Indian Opinion*, 15-6-1907.

[2] In 1895; *vide* Vol. II, p. 378.

now, for the third time, complete ruin stares it in the face. In the two previous instances, the cause was beyond human, at any rate my firm's, control. Today, the cause will be of its own seeking, and why? For the simple reason that the Asiatic Law Amendment Act is considered by every Indian who has understood it as a mark of slavery pure and simple. It makes of the Transvaal a prison-house for every Indian, so far as I know my countrymen's mind. They have, therefore, decided not to submit to such an Act, but to suffer the consequence of such disobedience. It goes against the grain for an Indian to disobey any law, and yet the feeling aroused by this Act is so strong that disobedience is deemed a virtue and obedience a cowardly vice. The position that I, as an Indian merchant, am placed in is the position occupied by many like myself. Do you suppose that all such Indians do not realize the full force and effect of what they stand to lose from a worldly standpoint by disobeying the law? But we have learned at the feet of your countrymen that it is better to suffer such loss than to surrender personal freedom and accept humiliation. Why should I accept cancellation of my title-deeds, and have to go to the Permit Office, hat in hand, and beg for a new title-deed with many restrictions? Moreover, as a Mahomedan, I resent most bitterly that, whereas non-Mahomedan subjects of the Turkish Empire are free from the galling yoke of the Act, Mahomedan subjects of that Empire are not. These are facts which I venture to ask you and the public to weigh well.

I should not have troubled you were it not for the fact that the Government have reserved to themselves yet the right to retire from what is, from the Indian standpoint, a false position. Let the offer of voluntary re-registration be accepted and, if it fails, a day may be fixed for the compulsory registration of those who have not abided by the voluntary offer. It is true that, under the voluntary offer, there will be no ear-marking of Indian babes, but I must frankly confess that no loss of the good things of this world will deter me from disobeying an Act which means that I shall have to supply identification particulars of a day-old son of mine, and be subject to the tacit assumption that the infant is a future criminal of the direst type. I have spoken to many European friends of mine. They all consider that our offer is very reasonable. I ask you, and them, to support us in our struggle for a respectable existence in the Transvaal. Jesus is as much a prophet of the Mahomedans as he is of the Christians. He has somewhere said : "Do unto others as you would that they should do unto you." May I ask the Christian Government to follow this wise saying?

I am, etc.,
ESSOP ISMAIL MIA

The Star, 11-6-1907

21. LETTER TO PRIME MINISTER'S SECRETARY

JOHANNESBURG,
June 12, 1907

THE ACTING SECRETARY TO
THE PRIME MINISTER
[PRETORIA]

SIR,

With reference to your letter of the 4th instant No. 14/1, I regret that the Prime Minister considers it unnecessary to receive a deputation on behalf of my Association in connection with the Asiatic Registration Act.[1]

In view, however, of the fact that the date of enforcing the Act has not yet been gazetted, my Association once more approaches the Government and respectfully suggests that the offer of voluntary re-registration may be accepted and that the Act may afterwards, by a short Bill, be made applicable to those who do not abide by the voluntary offer.

I have, etc.,
ESSOP ISMAIL MIA
ACTING CHAIRMAN,
BRITISH INDIAN ASSOCIATION

Indian Opinion, 22-6-1907

22. LETTER TO CHHAGANLAL GANDHI

JOHANNESBURG,
June 12, 1907

MY DEAR CHHAGANLAL[2],

We shall not be able to get anything extra from the Montague Estate for the addition made by them.

I am glad that difficulties act as a spur to further action and further activity. That, undoubtedly, is the proper meaning to give to them. For such people there is no holding back and no disappointment. You

[1] The Prime Minister felt that "no good purpose" would be served since the proclamation according assent to the Act had already been signed.

[2] Son of Khushalchand Gandhi, Gandhiji's cousin; he was in charge of the Gujarati section of *Indian Opinion* and the printing press at Phœnix.

have reproduced the common saying that those who act according to the dictates of duty must succeed, and so they do. Only, we must guard against misinterpreting the word "success". Whereas many things that are not religion falsely pass as such, many things that we consider to be failures may, in reality, be successes. Whilst, therefore, we may accept the truth of the axiom, the eye should always be directed towards the work to be done, never to the result.

You may, so far as I am concerned, print Tamil, Hindi and Urdu translations of the Act[1] in *Indian Opinion*, and let me have separate leaflets also. The more of these we circulate, the better it will be. The Act furnishes its own condemnation, and such has been also the effect, I notice, on the people here. There are very few copies now left of the current issue, although you sent me 350. Vyas sent for 60 copies for Pretoria, and I have orders today from up-country for 15 copies.

I have absolutely no reply with reference to the Gujarati type. Gokaldas[2] wrote me saying that he would attend, but he has disappointed me in almost every respect. He has become lazy, indifferent and superstitious.

Yours sincerely,
M. K. G.

From a photostat of the typewritten original initialled by Gandhiji : S. N. 4754

23. *ROYAL ASSENT*

The long-deferred Royal assent to the Registration Act has now been gazetted. General Botha, although he has assured Lord Elgin that he will consult the feelings of British Indians, has refused to receive a deputation of British Indians, saying that no good purpose could be served by receiving it as the Act was to be gazetted last week; but we notice that, although the Act is gazetted, the date of its enforcement has been indefinitely postponed. It may be fixed now or never. The letter[3] of Mr. Essop Mia, Acting Chairman of the British Indian Association, published in *The Star* and taken over by us, is, therefore, most timely. Mr. Essop Mia, who is a merchant of long standing, with very large interests at stake, tells the public that he feels the degradation of the Act so keenly, that he is prepared to sacrifice all, if that is the price he has to pay for non-submission to the Act. He then makes the most reasonable proposals, that the day for enforcing the Act may not be fixed for the time being, and that British Indians and other Asiatics, in order to prove

[1] Asiatic Registration Act

[2] Son of Raliatbehn, Gandhiji's elder sister

[3] *Vide* "Letter to *The Star*", pp. 37-8.

their *bona fides*, should be allowed to be voluntarily re-registered. If the experiment prove a failure, the Act shall be applied to those who have not adopted voluntary re-registration. We hope that the Transvaal Government will accept such an eminently reasonable suggestion. General Botha, in the name of the people of the Transvaal, more than once expressed profound gratitude to the Imperial Government for the liberal constitution granted to the Transvaal, and his concern for the Empire as a whole. If he includes India as a part of the Empire, there is reason to hope that he will, even at the last moment, by accepting the Indian compromise, avoid an exacerbation of the feelings of the British Indians in the Transvaal.

Indian Opinion, 15-6-1907

24. TYRANNY OF LAW

He who will ferry others across to the shore,
Will also take his boat to the port.
He who will let others go to the bottom,
Shall himself flounder.
No good to wield the sword or the axe,
The gun, the knife or the arrow,
For you will but reap what you sow.

So sings the poet. "Reap as you sow" is a proverb known throughout the world. The principle of this proverb will not change for the benefit of the Indian community. A creeper yielding bitter fruit will never bear jasmines and the *palasha* will not yield mangoes. Likewise, it will never be that the Transvaal Indian community sows one thing and reaps another. It is only when the community proves its manliness that we shall be able to live like men. The community will enjoy respect if it deserves it. It will add to its honour if it keeps its word and fulfils what it has undertaken. If, on the other hand, the community forsakes its oath out of selfishness or fear or any other reason, it is certain that the rights of Indians in the Transvaal will be lost and that other Indians also will be crushed along with those in the Transvaal. So great is the task the Indian community in the Transvaal has undertaken.

The poet adds that it is also the law of the world, or nature, or God, that he who takes others safely across will himself reach the other shore. Likewise, if we serve others, our own needs will be provided for. As for looking after oneself, even birds and beasts do this. The chief difference between man and beast is that man is a benevolent creature. All live happily where one feels happy in the happiness of others. But where everyone looks after himself alone, all are lost. For, as the poet says, "He who will let others go to the bottom, shall himself flounder." This

is an important idea and a little reflection will show that it is true. A mother suffers discomfort to bring up her child. In the end such a mother finds herself happy. Where the members of a family share one another's burdens and give up individual interests, the whole family is well sustained. Members of a community individually suffer to save the group as a whole and are themselves saved too. Similarly, where men undergo suffering or die for their country's sake, they truly live and bring credit to the country. Is there any Indian who seeks happiness for himself by breaking this fundamental law? These examples clearly prove that the Transvaal Indians will be victorious if, for the sake of the Indian community and for the sake of their personal honour, they endure all sufferings and face all hardships to accomplish the task they have undertaken. They will then break their bonds and win immortal fame in history.

[From Gujarati]

Indian Opinion, 15-6-1907

25. RHODESIA AND THE TRANSVAAL

It has been argued in the Rhodesian Assembly that, since a law has been passed in the Transvaal for Asiatics, a similar law should be passed in Rhodesia too to prevent further Indian immigration and to provide for the registration of those already there. All members spoke on the subject in strong terms. A full account of it appears in our English section. It can be seen from this that, if the Transvaal law remains on the Statute-book and if the Indian community submits to it, its example will be followed everywhere else. There is but one way now to help the Indians in Rhodesia, and that is for the Transvaal Indians to show their mettle.

[From Gujarati]

Indian Opinion, 15-6-1907

26. INDENTURED INDIAN LABOURERS

At Thornville junction, a European cruelly beat up an Indian and the latter died. The European was prosecuted and fined £10. We publish this report in full elsewhere. This is a blood-curdling case. The Indian lost his life, but the European got off with a fine of £10. There is nothing in it to comfort us. But we are not to think of revenge. The European will have to answer to the Creator. Had he been punished with hard labour, that would not have restored life to the Indian and would not have saved other indentured labourers from getting similar treatment in future.

If we are to cure a disease, its cause must first be ascertained. Accordingly, if we look for the cause of this state of affairs, we shall find that indentured labour itself is an evil thing. If the system of indentured labour is put an end to, the kind of oppression described above will also stop. For in ordinary service one is not bound, as the indentured labourer is: if the service does not suit him, he is free to give it up.

Mr. Robinson has stated in his speech that the importation of Indians as indentured labourers must cease. We also hold the same view. It is necessary for the [Natal Indian] Congress to take steps towards that end. That Mr. Robinson's reasons and ours for ending the system of indentured labour are not the same is of no account.

[From Gujarati]

Indian Opinion, 15-6-1907

27. "THE WISDOM OF THE EAST"

JALALUDDIN RUMI[1]

We have received for review two volumes of a series entitled *The Wisdom of the East* being published in Britain. The first is called *The Way of the Buddha* and the second, *Persian Mystics*, in which the author has assigned the first place to Jalaluddin Rumi. An informative account of Sufis is followed by a narrative of the life of Jalaluddin and translations of some of his poems. In the author's view, a Sufi is a lover of God. Above everything else, the Sufis aspire after a pure heart and love of God. Jalaluddin was once observed dancing with joy at a funeral, and on being questioned what he meant thereby, the saint replied, "When the human spirit, after years of imprisonment in the cage and dungeon of the body, is at length set free and wings its flight to the source whence it came, is it not an occasion for rejoicing?" We can see that, in the olden days, even women freely participated in such [Sufi way of] life. Rabia Bibi was a Sufi herself. When asked if she hated the devil, she retorted that "her love of God left her no time to hate anyone". According to the Sufi point of view, no religion based on morality can be considered to be false. In reply to a question Jalaluddin said, "The ways of God are as many as the number of souls of men." Elsewhere he says, "God's light is one but its rays are various in hue. . . . We can worship God along any path, provided it be with a true and sincere heart."

Referring to the nature of true knowledge, Jalaluddin says that "a blood-stain can be washed away with water, but the stain of ignorance can be washed clean only with the water of God's grace". And then again,

[1] (1207-73), Sufi poet of Persia

"True knowledge is the knowledge of God." When asked where one could find God, the poet replied, "I saw the Cross and also Christians, but I did not find God on the Cross. I went to find Him in the temple, but in vain. I saw Him neither in Herat nor in Kandahar. He could be found neither on the hill nor in the cave. At last, I looked into my heart and found Him there, only there and nowhere else." This is an excellent book to read. We can endlessly go on quoting passages such as those above. We should like to recommend the book to everyone. It will be of profit to all, Hindus and Muslims alike. It costs two shillings in Britain. The same firm has also published *Gulistan* of Sheikh Saadi[1], priced at 1s. Then there is a book entitled *The Essence of the Koran*, costing 1s. *The Way of the Buddha* is priced at 2s and *The Way of Zoroaster* also at 2s. Other books are to follow. If any of our readers wants one or more of these books, he should send us the amount of the price quoted above, and an extra 6d for every book. We shall procure the book for him. The extra 6d is for postage.

[From Gujarati]

Indian Opinion, 15-6-1907

28. *JOHANNESBURG LETTER*

New Law

General Botha has, as the saying goes, dug up a mountain to kill a mouse. He has informed the Association that no good purpose would be served by receiving deputation, since all preparations had been made to bring the law into effect. Everybody therefore got busy looking into the *Gazette*, watching for the date when the law would come into force and other particulars. But nothing of the kind was found in the *Gazette*. It only says that the law has received the assent of His Majesty. There is nothing new in this. Another piece of information the *Gazette* gives is that the date on which the Act will be brought into effect will be fixed later. What does this mean? The only construction I can put upon it is that the Government has been set thinking as to what it should do to meet the gaol resolution of the Indian community and how to implement the provisions of the Act. This may or may not be the right meaning, but one thing is certain, namely, that the gaol resolution has posed a problem for the Government.

Some Questions

Thus, things are still unsettled. The Indian community will do well to keep its weapons ready. Questions are still being asked, which is a good sign. One of them is:

[1] *Vide* "What Should the Brave Do?", p. 3.

IF OUR WELL-WISHERS IN ENGLAND DISAPPROVE GAOL-GOING?

This is a good question. The answer, too, is straight. The members of the Committee or other gentlemen in England should be regarded as our well-wishers as long as they help us in preserving our self-respect and our rights. We may respect their views. But when their views go against our rights, we are not bound by them. Suppose someone compels us to become Christians. We shall oppose him. If those whom we considered till now our well-wishers advise us to embrace Christianity, I am sure that every Hindu and every Muslim will agree with me that we should not accept the advice. This law too is much the same kind of thing. Clearly, it would make cowards of us. We can never follow the advice to be cowards. It is enough that we are in the right and God is on our side. In the end, truth alone will triumph.

WHAT SHOULD THOSE DO WHO HAVE RECEIVED LETTERS OF NOTIFICATION?

A person from Natal writes that he has received an order allowing him to proceed to the Transvaal. Should he do so? Perhaps everyone knows that this order is not a permit. It is futile at present to enter the Transvaal on the basis of such an order. All contact with the Permit Office has been stopped by the community's resolution. Hence the said order can be of no use. It is essential that those not holding old permits should keep away from the Transvaal.

WHAT ABOUT LOST PERMITS?

Under the old law, no one who had lost his permit could get a duplicate. The new Act provides for the issue of a duplicate. However, that refers to a duplicate copy of the new permit. No action need be taken by one who has lost his permit. He should await events without any fear, like other permit-holders.

CAN THOSE WITH LOST PERMITS ENTER?

A certain individual, having lost his permit, obtained a certificate to that effect from the Permit Office. Can he re-enter the Transvaal on return from India? The answer is that he can, just like any other permit-holder. But he should remember that, in the end, he has to go to gaol. Those who are afraid of imprisonment are not to enter the Transvaal at present, whether they hold permits or not.

SHOULD MR. CHAMNEY'S SIGNATURE BE OBTAINED FOR A LICENCE?

A man in Boksburg applied for a licence, but the Licensing Officer asked him to obtain Mr. Chamney's signature. If the Officer said so, it was illegal. As long as the new law has not come into force, no one is under obligation to show his permit, much less to obtain Mr. Chamney's permission.

While replying to questions about licences, I should also state that a correspondent of this journal writes that some persons are trading at present without a licence. The licence may be in the name of one person and trade is carried on by another person. The correspondent has given the names of such persons. I have not been able to verify the truth of his statement. But such men should beware. If the correspondent's information is correct, I would advise such men to give up the evil practice, since the Indian community as a whole has to suffer for the wrongs of a few Indians and, sooner or later, the offending Indian will be punished.

Chinese Unity

I wrote earlier about the resolution passed by the Chinese not to submit to the new law. Not stopping there, they have signed a document stating that the signatories would not take out the new permits, but go to gaol and would shun taking food or water with those who should take out permits. Nearly 900 Chinese have appended their signatures to the document, and now only a hundred Chinese remain whose signatures are yet to be secured. The Chinese appear to be full of enthusiasm.[1]

A Suggestion

In connection with the proposal that, with a view to keeping the shop running, a permit may be taken out by one person in every shop on the last date fixed for the purpose, or after coming out of gaol, it is further suggested that those who so wish to continue business should contribute to the Law Fund the balance of their earnings after deducting all expenses. If the shopkeepers accept this suggestion, it will be regarded as a highly patriotic step.

Criminal Proceedings against Waiter

An Indian waiter is being tried at Pretoria for offering a bribe of £50 to the chief clerk of the Registrar. A critic asks if persons offering bribes to officers have cropped up only now. Did not people make such an attempt before now? If they did, why were no proceedings instituted against them before?

Caution to Johannesburg Residents

The Police Commissioner has issued a notice to say that several cheats gain access to private houses by posing as Light Inspectors. No one should admit such men, unless they produce the pass issued by the Municipality.

[1] The Chinese Association later submitted a petition, protesting against the Act, to the Chinese Ambassador in London. *Vide* Appendix II.

REGULATIONS FOR HAWKERS

The dispute regarding regulations for hawkers still goes on. A contributor to *The Star* says that for a hawker to take out a licence for every municipal area and for the area outside will mean paying up to £80 a year for business within a few miles. Such extortion will ruin the hawkers, and will, for the sake of the shopkeepers, deprive the public of the facility afforded by hawkers. No one should take it that the contributor favours Indians. There are also hawkers other than Indian. The Regulations apply to all of them, and the defence of hawkers in general includes that of Indians also. The point is that we are to oppose only such regulations as are made specially against us.

EDUCATION BILL

When the Parliament meets again this month, the new Government is to bring before it a Bill regarding education. The Bill contains a provision preventing black boys from attending schools meant for the whites. It means that, if one wants to start a private school to educate the whites and the blacks together, one cannot do so. Special schools for the blacks will be started if the Government so desires. This again is a new curiosity! The Education Bill indicates what will be gained by Indians if they accept the new law.

MALAY LOCATION

A person writes in *The Star* about insanitary conditions in the Malay Location. He states that it is not the Indians but the Municipality that is at fault here. For the Municipality does not provide drainage and taps for drinking water. To this the Municipality replies that there is regular drainage of sewage, and that there are taps for drinking water at many places. If the people are prepared to pay, taps will be provided elsewhere also. The Municipal Officer adds that it could not be claimed that the residents of the Malay Location were not dirty in their habits. Some of them had been prosecuted for insanitation. I, too, have to admit that we cannot deny the charge of insanitation. Many houses are full of filth, the windows are soiled, the fences creak and the state of the latrines is horrible. The kitchens are very bad. In my view all this is sinful, and we have paid for this heavily and shall have to pay still more heavily. It will be to our great advantage if people learn the value of tidiness, free air and light.

[From Gujarati]
Indian Opinion, 15-6-1907

29. LETTER TO COLONIAL SECRETARY

[JOHANNESBURG,]
June 18, 1907

THE HON'BLE THE COLONIAL SECRETARY
PRETORIA

SIR,

The Acting Secretary to the Right Hon'ble the Prime Minister informs me that my letter of the 12th instant on the question of the Asiatic Registration Act has been transferred to your Department.

My Association ventures to hope that the matter therein referred to will receive your favourable consideration.

I have, etc.,
ESSOP ISMAIL MIA
ACTING CHAIRMAN,
BRITISH INDIAN ASSOCIATION

Indian Opinion, 22-6-1907

30. PRIZE POEM ON NEW LAW

WINNER AMBARAM MANGALJI THAKAR

The response to our announcement[1] of a prize [for the best poem] on the subject of the new law may, on the whole, be considered satisfactory. There were 20 competitors. All of them state that they entered the competition, not with an eye on the prize money, but to express their enthusiasm and to serve the cause of patriotism. This spirit and enthusiasm deserve praise. Even so, we should point out that patriotism is implicit in writing for the prize. There is no need for anyone to be ashamed of accepting the prize; one should rather feel proud.

The poems of three competitors, out of the total of 20, seemed to have nearly equal merit, and it was somewhat of a problem to decide which poem should be placed first. Considering the terms of the competition, the poem of Mr. Ambaram Mangalji Thakar, the President of the Natal Sanatan Dharma Sabha, was ultimately found to be worthy of the first place and we have sent to him the sum of £1. We congratulate Mr. Ambaram Thakar and hope that he will set an example to others by acting up to the high ideal expressed in his poem and thereby serve

[1] *Vide* "A Prize of £1", p. 5.

the cause of the country. When devotion merges into courage and courage into devotion, both are at their best. If we go on doing our duty, armed with both these weapons, we shall surmount every difficulty and come out victorious in the end.

Of the 20 competitors, some have not communicated even their names to us. Some of them sent in more than one entry. Those of the poems which in our opinion are noteworthy will be published one by one every week, with the author's name where it has been supplied. If the reader wishes to know the poems which we consider fit for publication and who their authors are, we counsel him patience.

Having said this, we should like to add that the poems could have been still better if their writers had taken more pains in composing them. None of the poems reveals any special poetic power or art. If the writers had searched more carefully, they could have found better words and illustrations. We appeal to our readers to work harder and reach a higher level of skill.[1]

[From Gujarati]

Indian Opinion, 22-6-1907

31. NATAL INDIAN CONGRESS

The Natal Indian Congress started raising contributions, but we find that the work has slackened down. The notice issued by the Secretaries shows that the Congress is still in debt. We believe that the delay in raising funds is harmful. This is not the time when we can afford procrastination. The Congress has still to put up a big fight against the licensing laws, to oppose the Indentured Labour Act, and, when the time comes, to help the Transvaal Indians. All the three causes are important. In the absence of trading licences, merchants will be put to trouble; hence, even from the point of view of self-interest, it is necessary that the Congress should have its coffers well filled. One of the main aims of the Congress, as laid down in 1894,[2] is to associate itself with the indentured labourers in their hardships. The Congress cannot therefore merely sit still after what has happened at Thornville.[3] In this land it costs money even to open one's mouth. The Congress has bound itself to help the Transvaal Indians, since it has advised them to keep up the struggle. Moreover, the Transvaal struggle involves the self-interest of every Indian. We therefore hope that the Congress leaders will bear in mind all these three aims and, girding up their loins, will soon get

[1] Here followed in the original the text of the prize-winning poem.

[2] *Vide* Vol. I, pp. 130-5.

[3] *Vide* "Indentured Indian Labourers", pp. 42-3.

ready the weapons of fight in the form of money. This is a task not to be neglected by postponing it from day to day.

[From Gujarati]
Indian Opinion, 22-6-1907

32. GAOL REGULATIONS OF NATAL

Our Natal legislators have passed a law which gives sweets to one and cactus to the other. From the Natal *Government Gazette* we gather that there are four classes of prisoners in Natal: white, Coloured, Indian and Kaffir. If any work is taken from the white or the Coloured prisoners, the Government will give them some reward. But the Indian or the Kaffir prisoners who do any work will get nothing. Moreover, the white and the Coloured prisoners are given a towel each, while the Indian and the Kaffir are not given even this as if they do not need it at all. The Government have, in this manner, created classes even among prisoners. The Coloured prisoners include the Cape Boy, the American Negro, the Hottentot and the like.

[From Gujarati]
Indian Opinion, 22-6-1907

33. HEJAZ RAILWAY

When we gave a summary of the attack made by the correspondent of *The Times of India* on the working of the Hejaz Railway,[1] we had stated that further information had been called for from Mr. Kidwai and Mr. Kadir, referred to therein. Mr. Kadir has gone to India. Mr. Kidwai received our letter. We reproduce here the reply received from him. He is himself the Secretary of the Islamic Society[2]:

> I am thankful for your letter. At the moment I am with Mr. Ritch. He has given me the cutting from *The Times* that you sent. I shall peruse it and let you know how much of it is true. If there is any incorrect statement in it, I shall take steps to reply to it, and also let you know what I propose to do. I am grateful to you for all that you do in a matter which is of great interest to my co-religionists. It behoves us, Hindus and Muslims of India, to strive and help each other in matters concerning either of them.

[From Gujarati]
Indian Opinion, 22-6-1907

[1] *Vide* Vol. VI, pp. 471-4.
[2] Pan-Islamic Society, London

34. *YUSUF ALI AND WOMEN'S EDUCATION*

Mr. Yusuf Ali's book on conditions prevailing in India is widely read. His views on the education of women as expressed therein are worth noting. He says that so long as Indian women do not get proper education, the condition of India is not likely to improve. Woman is known as the better half of man. If a half of one's body ceases to function, we call it paralysis and the person becomes unfit for any activitiy. Thus, if women in India are not employed as they should be, it can be said that the entire country suffers from paralysis. How is it surprising then that India is not able to keep pace with other countries? All parents should think of this in regard to their daughters, and all Indians should do likewise with regard to the womenfolk of India. We badly need thousands of women who can compare with Mirabai and Rabia Bibi.

[From Gujarati]
Indian Opinion, 22-6-1907

35. *JOHANNESBURG LETTER*

Transvaal Parliament

The second session of the new Parliament began on the 14th. General Botha spoke on the policy the local Government proposed to pursue. The speech deserves the attention of the Indian community. I give below the main points.

Chinese to Go

The present indentured Chinese labourers will be repatriated on the expiry of their contract. No other indentured Chinese labourers will be imported to take their place. At this rate, 16,000 Chinese will have left the Transvaal by the end of the current year. The rest will go probably by the end of 1908[1].

Who will replace Chinese?

There will be a shortage of mine labourers when the Chinese leave. One way of meeting the situation will be to get hold of Kaffirs from wherever possible, and have the work done by them. For this purpose, talks are in progress with the Portuguese Government. The alternative is to encourage white labourers to work in the mines, and in the end

[1] The original has 1907, evidently a slip; *vide* "Johannesburg Letter", p. 60

to make the Transvaal entirely white. To enable white labourers to work on lower wages, the Transvaal will get out of the Customs Agreement. If necessary, it will enter into another agreement. The purpose is to reduce very much the duty payable at present and bring down prices, so that in the end the whites should be able to live as cheaply as in Great Britain. Full encouragement will be given to agriculture so as to change the present position in which the Transvaal depends for its prosperity exclusively on the mines. A special bank will be started with a view to promoting agriculture and providing irrigation.

This bank will lend money to farmers. To finance the bank the Imperial Government will give the local Government a loan of £5,000,000.

Consequences of Speech

This speech has thrown the minds of mine-owners into confusion. They are not likely to get many Kaffirs as labourers. Therefore the condition of Johannesburg, it is feared, will for years continue to be what it is at present. But the most important consequence of this is that Indians may have to leave bag and baggage. It seems to be the firm determination of the local Government to allow no Coloured people except as labourers into the Transvaal. If the Indian community is found lacking in courage, the Government will not hesitate to drive it out. The Indian community is now placed in a situation where it must choose between extermination and counter-attack.

Labour Protection Act

My last comment appears to be supported by one more law that is to be passed during the present session. The *Gazette* has published a Bill to provide for payment of damages to workers and their families in case of disability suffered during performance of duty by workers employed in the various factories. This law is to apply to the whites only. If a white and an Indian labourer are working together in a mine or elsewhere, and if both should get their hand or foot crushed by being caught in a machine, the employer is bound by this law to maintain only the white labourer and his family. The Indian worker does not count at all. He would be doomed, if there were no God in Heaven above. Moreover, no one can suppose that even a penny will be advanced to an Indian by the proposed bank. The bank is solely for the white farmer. This is the marvellous fruit of General Botha's gallantry. The men of his community watered the soil of the Transvaal with Boer blood. No one has reason to wonder that, having thus manured the land, they should now reap the golden harvest. If we can have even a trace of the Boers' courage, we too may roll in prosperity.

Weenen's Letter

Mr. Kallenbach's admiration for the Indian community on the question of going to gaol seems to have proved infectious. The following is the substance of a letter[1] written to *The Star* by a white gentleman, Mr. Van Weenen.

> No one with a sense of justice will fail to endorse Mr. Kallenbach's letter on the subject of Indians. Will the Transvaal go to pieces if a few Indians quietly live and trade in it? It does not behove us to treat as criminals the descendants of a people enlightened long before western civilization blossomed forth. Registration for Indians? The whites who are themselves guilty may be wanting to put this noose round the Indians' neck. To me the fault of the Indians appears to be that they are diligent. The fact that indolent whites should want to oppress them can be understood. Shall we, however, blame Indians for speaking out against a law which will destroy their very self-esteem? Like Mr. Kallenbach, I too have found among the Indians men worthy of esteem. Mr. Gandhi's letter shows that the Indian demand is very reasonable. They deserve praise if they think of going to gaol rather than suffer humiliation in case their demand is rejected.

Essop Mia's Letter

Below I give the substance of the letter that Mr. Essop Mia has written to *The Star*:[2]

Letter to General Botha

On behalf of the British Indian Association, Mr. Essop Mia had addressed a letter[3] to General Botha. He had requested that, as the law had not been brought into effect, the Indian community's suggestion deserved to be accepted. General Botha replied that correspondence in the matter should be addressed to the Colonial Secretary. Thereupon a communication has been sent to the latter. His reply will perhaps have been received by the time this letter appears in print.

Confusion regarding the "Gazette"

Some misunderstanding seems to have occurred regarding the notification to the effect that the King-Emperor has given assent to the law. Some believe that the law will not come into force for two years. This is a mistake. The notification states that the King-Emperor has the authority to veto any law within two years of its passing. On this law

[1] The translation given here is collated with the original in English.

[2] Not reproduced here; *vide* "Letter to *The Star*", pp. 37-8.

[3] *Vide* "Letter to Prime Minister's Secretary", pp. 15-6.

being placed before His Majesty, he intimated that he did not intend to veto it. This means that he has forgone the prerogative to veto the law within two years. In other words, it stands confirmed permanently. No, I should not say that. For the Indian who does not accept it, the law stands repealed despite the Royal assent.

VREDEDORP TRADERS

It appears that the time has come to taste the fruit of Mr. Ritch's struggle in England on this subject. The Corporation has appointed two merchants to ascertain the stocks in Indian shops. They have made a cursory inquiry. The Government will now consider all the figures collected. Meanwhile, something curious has happened. The Vrededorp Ordinance[1] is not to the liking of some whites. We shall perhaps be saved even as a result of this.

NO CHANGE IN NEW LAW

Sir George Farrar[2] wanted to know from General Botha what were the changes that he was reported to have suggested to the Imperial Government. In his reply General Botha said, "A deputation met me on behalf of Indians. The Imperial Government, too, had made some recommendations. I said in reply that the law would be so enforced as not to wound the feelings of the Indian community." Sir George said, "This is no reply to my question. Which particular hardship under the law is intended to be redressed?" "None," replied General Botha.

I said earlier that the British Indian Association had written to the Colonial Secretary.[3] General Botha's reply shows that it will be futile to expect any amendment of the law. But it is another matter as to when the law will come into force and whether the suggestion of the Indian community will be accepted. Let the Indian community keep in mind the saying, "Hope of help from others will always end in despair," and be ready to defend its honour in the Transvaal.

[From Gujarati]
Indian Opinion, 22-6-1907

[1] *Vide* Vol. V, pp. 463-5.
[2] Nominated member of the Transvaal Legislative Council.
[3] *Vide* "Letter to Colonial Secretary", p. 48.

36. *PROPHET MAHOMED AND HIS CALIPHS*

Introduction

In pursuance of our ideas, we commence this week a series of articles on the subject stated above. It will always be our aim to bring about and preserve unity between Hindus and Muslims. One of the ways of achieving this is to acquaint each with whatever is good in the other. Moreover, when occasion requires, Hindus and Muslims should serve each other without any reserve. The series that we are commencing is intended to serve both these aims.

It is also our object to spread education and culture among the Indian community. With this end in view, we had intended, and still intend, to publish a separate book. We intend to bring out a translation of Justice Ameer Ali's book on Islam and [another book giving] an account of the hardships of Indians in South Africa. But there is likely to be some delay since there are difficulties in the way which have not yet been overcome.

Meanwhile, we propose to give every week the biography of the Prophet written by a famous writer, Washington Irving. The biography deserves to be read by both Hindus and Muslims. Most Hindus are ignorant of the career of the Prophet. Most Muslims are ignorant of the researches made by Englishmen and of what they write about the Prophet. The history by Washington is likely to be of benefit to both these classes [of readers]. We do not give a full translation, but only the substance. Washington Irving's account is considered excellent, and though he has not written ill of Islam like other European writers, it is likely that occasionally his ideas may be such as may not appeal to our readers. A wise man would make himself acquainted even with such ideas. We advise our readers to go through the chapters that follow,[1] bearing in mind that the purpose of reading is to accept knowledge from everything that we read and to draw the right lesson from it.

Who was Washington Irving?

We must now answer this question. He was born in the city of New York in America in the year 1783. For many years he lived in Europe. He was one of the front-rank writers of America. He has written many books, one of which is about the Prophet. He was considered to

[1] These are not reproduced here. The instalments appeared in the successive issues of *Indian Opinion* between July 6 and August 17. The series was, however, discontinued after a part of chapter six had been published. *Vide* "Why Was *The Life of Prophet Mahomed* Discontinued?", p. 202.

have an excellent gift for writing. His books have won wide fame. He was a man of character. After the death of the lady to whom he was engaged, he remained a bachelor for the rest of his life, cherishing her memory. He died in his home on November 28, 1859.

[From Gujarati]
Indian Opinion, 22-6-1907

37. JOHANNESBURG LETTER

[*June 26, 1907*]

New Law

The Transvaal Government has sent an ugly reply. In answer to Mr. Essop Mia's letter it says that, as stated in an earlier reply, the suggestion made by Indians is not acceptable. That is, the Government is intent on enforcing the law. Now we have only to wait for the date. I have said that this is ugly news; but it can also be taken as good news. The courageous will treat it only as good news.

New Appointment

The *Government Gazette* announces that Mr. Chamney has been appointed Registrar under the new law. I hope the Indian community will see that he only sits and yawns. This correspondent's name will never be entered in the register. It is my constant prayer to God that the same may be true of every Indian.

Untouchability in Market

Europeans in the Johannesburg market seem to feel polluted by the touch of Indians. The Municipality, therefore, has resolved to have separate sections for the Europeans and for the black people. It has also been decided to charge the Chinese rent for using the outer portion. Having a caste of untouchables in our own country, we have ourselves become untouchables here. And now with the permit label tied to our necks, we shall have been utterly disgraced. I remember that, in the market at Port Elizabeth, similar oppression of Indians was attempted. Thereupon, they stopped going to the market. If the Indian hawkers become equally bold, they can avoid being reduced to the status of untouchables. It will be better to leave the Colony than to stay on as contemptible creatures for the sake of a living.

Question about Dutch Register

A correspondent from Lawley Station says that he has an old Dutch register and also a Dutch witness. If he still cannot obtain a permit,

what is he to do? This correspondent does not seem to have read *Indian Opinion.* I have already said that, after the law is brought into force, such an Indian may remain in the Transvaal only if he desires to taste the pleasures of going to gaol. He should otherwise leave the Transvaal.

Leonard's Opinion

Some Indians are afraid that the Government may forcibly deport Indians who do not take out new permits. Such a doubt had occurred to the Chinese also. They therefore sought Mr. Leonard's[1] opinion on the subject. Mr. Leonard gave his opinion as follows:[2]

> In answer to the question put to me, I have to advise that I can find nothing in the above Act or in any other statute providing for the deportation of individuals convicted of a breach of the provisions of the Act. Such deportation could not be enforced under any law that I know of. The only penalties prescribed appear to be those provided for by Sections 7 and 8 of Ordinance No. 5 of 1903.

(Articles 7 and 8 give power to imprison those who do not leave the country.)

This matter may therefore be taken as finally settled.

Hearsay Report

There is a rumour that a notice will be published bringing the law into effect from July 1. It means that, from that date, those who want it will be branded as slaves. Now on, things will grow more exciting.

Indian Bazaars

A notice is published in the *Gazette* that the Indian Bazaar, that is to say, untouchables' quarters, has been now made over to the control of the Town Council. For the present the notice has no point, as no one has the authority to force Indians into that Location. All that revolves round the new law. A "sleeping sickness" will overtake the laws relating to the Location and other similar laws if the Indian community cancels the new law, that is, treats it as cancelled.

Attack on Hawkers

The Chamber of Commerce wrote to the Government to take steps to prevent Indian immigration. In reply, the Colonial Secretary says that in a few days the Immigration Bill will be published. Moreover, Indian trade will be very much reduced as stringent regulations have been framed for hawkers. One may observe from this what the fate will be of those wanting to be branded as thieves under the new law. If the Immigration Bill is published, I propose to give a translation of it next week. We are being pretty well encircled by a conflagration. I take all

[1] A barrister

[2] This has been reproduced from the original in English.

these as good omens. It is only when a disease becomes acute that its cure can be thought out.

Curtis and New Law

The Potchefstroom Chamber expressed its thanks to Mr. Curtis[1] for his efforts in connection with the new law. In his reply, Mr. Curtis says:[2]

> I am much obliged to your Chamber for your letter of May 11. It is inconceivable to me that anyone should not feel the paramount importance of this question. Personally I have no more quarrel with the Asiatic than with the European, but I am persuaded that the mixture of the white and the Asiatic in one society is a curse to both. Each race should in its own interest seek countries which suit them. Asiatic Immigration is only a commercial problem incidentally; in its essence it is a most important problem and ought to be dealt with as such.
>
> I do hope most earnestly that your Chamber will not consider that the first Act is completed by Mr. Winston Churchill's[3] announcement in the House of Commons. In the absence of any public announcement here to the effect that the formal sanction has been received in the Transvaal, it is always possible that pressure may be brought to modify the regulations to be made under the Act in such a way as to nullify its real effect. The object aimed at by the Act is to secure the complete registration of all Asiatics who have acquired the right to live and trade in the Transvaal coupled with a system of finger-prints such as will prevent the practice of personation.
>
> Don't let us think, however, that everything is finished by printing the law. Much still hangs upon the question as to whether the law is carried into effect. So far as I have been able to judge, the Government have left undone nothing which it was possible for them to do. It is to be hoped that the public, and more specially the Press, will help in the successful administration of this Act. It is the duty of the Press to support the officials who are carrying it out. The task is not an easy one and may very easily be rendered impossible unless they enjoy a full measure of public confidence. I trust that any attempt to disturb the public confidence in the officers entrusted with these duties will be watched with the utmost jealousy. They have a most invidious duty, and they will incur much personal hostility. If they are attacked in public they cannot defend themselves, and no one, indeed, is in a position to judge their conduct rightly but their own official chief. If I may express an opinion on the subject, it is that no weight be attached to public attacks made on these officers, on the ground that if they are justified the Colonial Secretary will know it and deal with the matter. In a word, I hope that the public will make it clear that so long as the officers enjoy the confidence of the Colonial Secretary, they also will enjoy their own. While I was in charge of the office I had constantly to watch attempts to discredit the officers who were most diligent in the performance of their duties, and the public should be warned in their own interests to watch such attempts with care.

[1] Assistant Colonial Secretary

[2] What follows is the original English text of the letter, with some changes needed to bring it into conformity with the Gujarati version.

[3] (1874-), British statesman and writer. Under-Secretary of State for the Colonies, 1905-8, Prime Minister of Great Britain, 1940-5, 1951-5.

Mr. Curtis has put up a wonderful show indeed. First, he exerted himself strenuously to get the law passed. Now he gives advance warning to the public lest the officials enforcing the law should come into trouble. The suggestion is that the public should not bother—whatever the oppression practised by officials. Fortunately for the Indian community, the services of the officials will not now be needed at all. But supposing they had been needed, Mr. Curtis's letter suggests that, even if an official misbehaves, the public should do nothing to bring him to book as they did in the case of Jackson. For, the Colonial Secretary would know all about it. Mr. Curtis has forgotten that Sir Arthur Lawley[1] came to know about his officials only when repeated complaints were made to him.

Chinese Struggle

Mr. Kimming of the Chinese Association writes to *The Star* as under:[2]

> We are quite surprised to find that this shameful Ordinance is again to be forced upon us without even giving us fair consideration.
>
> What are we? We have to repeat our former decision, that we do not object to voluntary re-registration, but we certainly do not want to be made slaves of the whites. We will not suffer such kind of treatment. Although our life will be at their mercy for refusing to allow ourselves to be degraded by this disgraceful Ordinance, yet we will fight for our right of freedom as *bona fide* residents, and fight we will to the bitter end. We ask for nothing unreasonable, but we ask only for fair play and fair treatment.
>
> The British people are much respected by us in China for their fairness, but to force on us here by them such slavery treatment will not only be a great stain to their good name and respect but will make us and the whole of China entirely lose confidence in them.

Middelburg Location

The Middelburg Town Council states that the Indians there do not vacate the Location, and do not even pay rent for the stands used by them; moreover, they use the stands improperly. The Council has therefore decided to prosecute them. Indians residing in the Middelburg Location should ponder over this. If it is true that they are not paying rent, it will not be proper of them. We should not be in the wrong in any way.

Committee's Mistake

A cable from the South Africa British Indian Committee has been received today (Wednesday). It expresses disapproval of gaol-going as a protest against the law. I trust no Indian will fall into a panic at this. It would have been good if we had won the Committee's approval. But

[1] Lieutenant-Governor of the Transvaal, 1902-5, appointed Governor of Madras in 1905; *vide* Vol. IV, p. 189 and Vol. V, p. 153.

[2] What follows is the original English text with some changes needed to bring it into conformity with the Gujarati version.

the Committee's disapproval is understandable. Its chief members are well-known retired officials from India. It is possible that they may again hold such offices. It would be surprising if they advised us to oppose the law. It is not at all surprising that they should have asked us to submit to the law. The Committee's advice is to be treated as counsel's opinion. They would not ask us to disobey the law. Going to gaol is a step which he alone can understand and take responsibility for who has felt the pressure of circumstances. A meeting of the Association was held to apprise it of the contents of the telegram. The Association decided to send the following cable to the Committee:

> Leaving aside all other considerations, Indian community, if it were to submit to law, would be dishonouring its oath taken in name of God, and Committee ought not to advise such a course. It is hoped, therefore, that the Committee's sympathy for Indians will be continued.

It is good that such a cable has been sent. But the task undertaken by the Indian community should not be abandoned even if the Committee should break up. The true support of the Indian community is Khuda—Ishwar[1]. The Resolution was made with Him as witness and, with trust in Him, we shall swim across to the other shore.

CORRIGENDUM

In my last letter I said that the remaining Chinese would leave in 1907. A reader has drawn my attention to the mistake. I thank him and correct the error. It should be 1908 instead of 1907.

[From Gujarati]

Indian Opinion, 29-6-1907

38. INTERVIEW TO "RAND DAILY MAIL"[2]

[*June 28, 1907*]

> . . . Forewarned of the announcements made above, a representative of the *Mail* yesterday afternoon interviewed Mr. M. K. Gandhi, the leading light of the Indian community, in regard to the probable attitude and action of the Transvaal Indians.

[GANDHIJI:] It is difficult to say, what will be the ultimate result of the enforcement of the law, but as far as I and my co-workers are

[1] God

[2] The interview took place after the announcement in the *Government Gazette*, 28-6-1907, that the Asiatic Law Amendment Act would take effect from July 1, 1907, and the publication of the Regulations made under the Act. The report in the *Rand Daily Mail* carried the headlines: "Will go to Jail: Indians on the Ordinance: 8,000 Passive Resisters: Law to take effect on Monday: Starting with Pretoria."

concerned, we are determined not to submit to the proposed registration, being prepared rather to undergo the last penalty provided.

In this attitude, we are not actuated by any disloyal motives, or by a simple spirit of opposition. It is merely dictated by a sense of self-respect.

In other words, he predicted a large passive resistance crusade, in which he calculated that at least half the British Indians of the Transvaal would take part.

Of course, it is extremely hard to forecast the result, because through years of disuse such a mode of showing resentment to legislation is new to my countrymen. At the same time, from letters which I have received from all parts of the Transvaal, and from letters sent to the editor of *Indian Opinion*, I am inclined to think that fully 50 per cent. of British Indians in the Transvaal will remain firm in the policy of non-submission. I have not yet heard of a single Indian who has justified the law. Many feel that rather than bear the hardship of gaol, they would leave the country, but I do not know of one who has ever said he will take a new registration certificate under the law.

Indians, said Mr. Gandhi, were very indignant, and he calculated that 6,000 at least would refuse to register according to the new law.

If the Government persists in prosecuting, these men will go to gaol. That will undoubtedly mean a great loss to them, for many of them have large interests. But they are prepared to sacrifice all in order to preserve their self-respect.

We feel that having absolutely no voice in the legislation of the country, even when it affects ourselves, the only way that we can resent legislation is by respectful non-submission. If, as a result of non-submission to the law, the Government persists in enforcing compulsory registration, it may be that the question of Indian residence in the Transvaal will be solved to the satisfaction of the colonists, that is to say, Indians may ultimately have to retire from the country. If so, personally I do not envy the colonists the pleasure so long as they profess to be members of the same Empire to which I have the honour to belong. Their attitude will be highly inconsistent with such professions, especially when it is borne in mind that Indians have proved themselves capable of acting according to any promise they have made to the Government.

Indians undertake to comply with voluntary registration, and that would be just as effective as compulsory registration. A great deal has been said about the law as being lenient and not containing anything hurtful to Asiatic susceptibilities, but I can only say that, having read all the restrictive legislation adopted in the Colonies, I know of nothing so degrading and insulting as the Registration Act.

Mr. Gandhi concluded by referring to the big meeting held in the old Empire Theatre. At that meeting, he said, 2,000 Indians were present according to the estimates

of the Press, and they unanimously made a solemn declaration that they would not submit to forcible registration. That declaration, he felt, would be faithfully observed.[1]

Rand Daily Mail, 29-6-1907

39. LORD AMPTHILL

Lord Ampthill has earned the undying gratitude of British Indians in South Africa by his courageous and strenuous advocacy of a forlorn cause. The speech delivered by His Lordship during the debate he initiated on the Asiatic Registration Act, in the House of Lords, shows that to him, a British subject is a British subject all the world over, and the word of British statesmen, though given to races that are not capable of resenting its breach, must be as good as a bond. Let us hope that His Lordship will be pleased to continue as he has begun, and not rest satisfied until he has placed this question of the first magnitude on a proper footing.

It is of such significance that even Sir George Farrar has to admit that it is infinitely more important than the question of terminating Chinese indentures in the Transvaal, or obtaining a loan from the Imperial Government for the development of agriculture in the Transvaal. The cuttings we have lately received from the Indian papers show that the events affecting Indians in South Africa have made a deep impression on the Indian public. It is a pity, therefore, that, on a question of such recognized weight, Lord Elgin, who is responsible for its proper handling, should not have troubled to take proper bearings. We are grieved to notice that His Lordship has accepted, perhaps unconsciously, the bait offered by the Transvaal Government, and confused the question of immigration with that of the treatment of Indians domiciled in the Transvaal. The British Indian Association has shown, we think conclusively, that the Asiatic Registration Act does not regulate the immigration of British Indians, and a new Act will have to be passed, and is, in fact, actually projected, if the Peace Preservation Ordinance is to be repealed, as Lord Selborne[2] has stated it should be. The Registration Act, without solving the immigration question in any shape or form, degrades British Indian residents of the Transvaal and its incidence changes the cherished maxim of the British Constitution, namely, that every man is to be presumed to be innocent until he is proved to be guilty, and that,

[1] The report concluded with the note: "In the Transvaal there are, according to the last census, 9,986 Indians, of whom 8,647 were males. In Pretoria's municipal area, there were 1,681 Indians, of whom 1,445 were males. There were also 31 Chinese, all males."

[2] High Commissioner in South Africa and Governor of the Transvaal and Orange River Colony, 1905-10.

rather than an innocent man should suffer, guilty ones should go unpunished. This Act presumes every Indian to be guilty, and throws on him the onus of proving that he is not so, that is to say, that he has entered the Transvaal in a *bona fide* manner. It, again, punishes the whole Asiatic community in the Transvaal in a brutal manner, in order that a few fraudulently inclined Asiatics may not steal into the Transvaal, and yet, the Act falls short of even this purpose, for registration will not prevent Asiatics who are so inclined from stealing into the country and remaining in it until they are found out. The Act is like locking up honourable men in cells, so that thieves may not steal.

Lord Elgin has, moreover, accepted the bare statement that there has been illicit traffic in permits. The British Indian Association has asked for production of proof, times without number, but this has never been produced. Mr. Chamney's report, as we have shown, bears out the Asiatic contention to its fullest extent.[1] Thus, the Act imposes a double wrong upon the Asiatic community—it is based on a false charge against the community, and, in effect, is a punitive measure. No wonder, then, that both the Chinese and the Indian residents of the Transvaal have decided not to submit to compulsory registration and all that the Act connotes. If Asiatics really resent the Act, non-submission is the only straightforward course for them, no matter what it may cost them materially, and we trust that, in their struggle, they will receive the sympathy of Lord Ampthill and his co-workers in a cause which can bring them no renown or credit save the gratitude of poor, helpless people.

Indian Opinion, 29-6-1907

40. ANGADA'S MISSION OF PEACE[2]

It is said that, before Shri Ramachandra began his war with Ravana, he despatched Angada on a peace mission to him. In those times it was believed that true strength lay in affording the enemy, before starting a war against him, every opportunity to set right the wrong he had done. By all means, bow to the enemy, for there is no dishonour in doing so. If still the enemy refuses to come round, one may bring one's full strength into play and enforce one's will. In olden times people everywhere in the world followed this practice. Today also this is considered the best thing to do.

What Rama did with Ravana, the Indian community has done with the Transvaal Government. All possible civility has been shown, but the Transvaal Government will not feel happy until it enforces the new law against every Indian.

[1] *Vide* Vol. VI, pp. 413-4.

[2] An episode from the Indian epic, the *Ramayana*

Rama sent Angada on the mission of peace. However much Angada tried, he could not make Ravana understand. And in the end, Ravana was defeated because he was in the wrong. To the Indian community's request to the Government through the British Indian Association, a final reply has been received from Mr. Smuts, to say that .the voluntary re-registration suggested by the community is not acceptable to the Government. So now it remains for us to await notification of the date when the law will come into force. We can assume that the Government is busy making regulations under the Act. It may be that in the matter of taking digit-impressions some change will be made. But that will not meet the wishes of the Indian community in any way. The community has, therefore, only to prepare for the struggle. For this the community does not need much. It needs nothing more than firmness in adhering to the gaol resolution. The letters we have received indicate that the Indian community is already prepared for the task. If so, the Transvaal Government's rejection of our request is for us a matter of joy rather than disappointment. We shall now have a test of who is right and who is wrong.

[From Gujarati]

Indian Opinion, 29-6-1907

41. FAMINE IN SOUTH AFRICA

South Africa is now passing through very hard times. Scarcity prevails everywhere. Both the whites and the Coloured people have been reduced to a precarious condition. The greatest difficulty is felt by landlords and traders. At such a time, far-sighted men should think what is to be done. Business will be slacker still and land values fall further. How long can this last? The crisis in this country is not due to lack of rains or damage to crops. The land which was the source of money has ceased to be fruitful. We can see from this that there is no loss in agriculture as such. Our advice therefore is that, taking advantage of the opportunity, every Indian who can should devote his attention to agriculture. Indians, traders as well as others, can take to farming. This does not need much money, and there is no problem of taking out licences, etc. We are certain that, if the Indian community pays sufficient attention to agriculture, not only will it bring profit to itself but it may also help remove the prejudice prevailing against it in this country. The soil being virgin, there is scope here for crops of various kinds. If by any chance the produce does not sell here, it can be exported. The Dutch have been making efforts in the Transvaal to bring prosperity to the land through agriculture. A similar

attempt is in progress in Natal. Every Indian should take a hint from this and turn his attention to agriculture.

[From Gujarati]

Indian Opinion, 29-6-1907

42. LORD AMPTHILL

The South Africa British Indian Committee is still carrying on agitation against the new law. Lord Ampthill, who has become Chairman of the Committee, is exerting himself strenuously. We draw attention to the speech[1] that he made in the House of Lords. That speech will show how feelings in England are running high on the question of the new law. Everyone feels that the Indian community is labouring under heavy oppression. To prove that it is so, the Indian community cannot but adhere to the gaol resolution.

[From Gujarati]

Indian Opinion, 29-6-1907

43. BRAVE WOMEN OF ENGLAND

The women of England want to secure the right to franchise.[2] An authorized report of their Association has been published, which shows that it spends nearly £100 every week on its activities, and that so far, that is during the last two years, the women sentenced to gaol for the rights of their sisters have suffered imprisonment for an aggregate period of six years. The lady who is Secretary of the Association states that £20,000 will yet be needed to carry on its work and requests every member to help in collecting the sum.

When so much has to be spent and such hardships have to be borne by Englishwomen for winning their rights from their own compatriots, let all Indians calculate by the rule of three how much the Indian community will have to spend and what hardships it will have to endure to win its rights from a foreign people. Let them consider in this way whether it would be, after all, such a mighty task if they had to spend £13,000 and 13,000 Indians had to go to gaol. Till now Indians have not spent even £2,000 all told, and no Indian has so far suffered

[1] Not reproduced here

[2] The reference is to the Women's Suffrage Movement for Parliamentary rights. Under the leadership of Mrs. Emmeline Pankhurst (1858-1928), the Suffragettes adopted militant tactics which included picketing, hunger-strike and courting imprisonment.

imprisonment. And yet to believe that we could get our rights is, it would seem, a patent mistake.

[From Gujarati]
Indian Opinion, 29-6-1907

44. INDIA AND TRANSVAAL

The eyes of India are now fixed on the Transvaal. A meeting of ten thousand Indians at Madras passed a resolution that, in view of the hardships suffered by Indians in South Africa, the whites from the Colony should be debarred from service and other opportunities in India. *The Tribune* of Lahore writes that a great deal will be gained if the Indian community maintains its spirit till the end. The whole Indian Press continues to discuss the subject and everyone expresses sympathy. Officials like Lord Lansdowne have realized that the oppression of Indians [here] is having adverse effects in India. All these signs indicate that the Indian community has now an invaluable opportunity of proving its mettle.

[From Gujarati]
Indian Opinion, 29-6-1907

45. EDUCATION FOR GIRLS

The Muslim Zenana Normal Girls School was founded in Aligarh sometime ago and it is growing day by day. The Government has been requested to give aid to this school. A plot of land has been bought for the school and it is also intended to start a boarding house attached to it. Books have been specially prepared in Urdu on kindergarten lines. As no Muslim lady was available for appointment as Principal, a white lady has been appointed for the present on a salary of Rs. 200 per month. So far, Rs. 13,000 have been collected for this school.

[From Gujarati]
Indian Opinion, 29-6-1907

46. SPEECH AT PRETORIA MEETING[1]

PRETORIA,
June 30, 1907

After explaining the implications of the law, Mr. Gandhi said that every Indian, whether rich or poor, should become free. That the [Imperial] Government

[1] Gandhiji spoke at a meeting of Indians held to protest against the Regulations under the Asiatic Act. This is a brief report of his speech; *vide* also "Mass Meeting at Pretoria", pp. 80-2.

has given assent to this Act means nothing. It has yet to be accepted by the Indian community.

Until the Indian community accepts the law, it cannnot be considered to have been passed. Even if some Indians, big or small, were to take out the title-deeds of slavery under the law, others would not follow their example. Those who are free will win in the end.

[From Gujarati]
Indian Opinion, 6-7-1907

47. LETTER TO "RAND DAILY MAIL"[1]

JOHANNESBURG,
July 1, 1907

TO
THE EDITOR
[*RAND DAILY MAIL*]

SIR,

It may appear ungrateful to have to criticize your moderate and well-meant leaderette on the so-called "passive resistance" to the Asiatic Registration Act. I call the passive resistance to be offered by the Indian community "so-called", because, in my opinion, it is really not resistance but a policy of communal suffering. Even after reading the Regulations, you consider it to be a matter of sentiment.

Is it sentiment, if I, as a father, would prefer to be shot down before I see my eight-year-old boy being subjected to the tyrannical process of having to give his digit-impressions, separately and then simultaneously, before an officer whom he may never have seen in his life-time, and for no crime of his own? Is it sentiment, when I decline to give the name of my mother and such particulars as the price of a precarious residence in this country?

Lord Elgin may certainly, sitting in his cushioned chair, see no distinction between making a mark with the thumb instead of with a pen, but I know that he belongs to that nation which would rise in rebellion from end to end to resent an attack on personal liberty, and that he would be the first person to cry out against even a forcible tracing of his signature. It is the compulsion that stings, not the digit-impression.

That in the mind of the Government there is no desire to degrade is true only on the assumption that my countrymen are already sufficiently degraded to feel any further degradation in this land of freedom for people other than Asiatics. But this is not a time for argument. The

[1] This was reproduced in *Indian Opinion*, 6-7-1907.

brave rulers who know the value of action rather than of speech can only respond to bravery and practical action.

If, as you say, Pretoria is weak, and the Government, "with the wisdom of the serpent", with which you credit it, has chosen the weakest spot in order to break any opposition to it, and if I shall be the only one to have cried out against the Act, and possibly a few of my co-workers, even then we shall be able to say we had no part in the acceptance of degradation. But I do not share your opinion about Pretoria. I had the honour to be one of the speakers who, yesterday, addressed a large mass meeting of British Indians[1] on the premises of the local Secretary, Mr. Haji Habib, and I assure you that, if the sentiments expressed by my countrymen proceeded from the bottom of their hearts, as I believe they did, Indians in Pretoria will refuse to submit to compulsory re-registration to a man, irrespective of consequences.

You accuse the South Africa British Indian Committee, in blunt language, of gross exaggeration, if not falsehood, when it states that "the local Government lends colour to the suspicion that it is anxious to impose the most extreme measures, and thus to degrade and humiliate British Indians". Even at the risk of being guilty of gross exaggeration or falsehood, whichever it may be, I must repeat the statement and, in support, give you the latest illustration of studied humiliation that came to light at the Pretoria meeting. One of the religious preachers created a painful sensation when he produced a document[2] from the Central South African Railways saying that the concession to religious preachers as to railway travelling was confined to Christian and Jewish preachers. Is this new distinction also a necessary precaution against an influx of Asiatics?

I am, etc.,
M. K. GANDHI

Rand Daily Mail, 2-7-1907

48. LATE NEWS FROM JOHANNESBURG[3]

JOHANNESBURG,
Wednesday evening, [July 3, 1907]

The new Immigration Bill[4] has been introduced. According to this Bill, an English-knowing person can enter [the Transvaal] provided he is not an Indian. It appears that those who are covered by the obnoxious law will not be allowed to enter, irrespective of whether they know

[1] *Vide* "Mass Meeting at Pretoria", pp. 80-2.
[2] *Vide* "Fat in the Fire", p. 71.
[3] This was published as "From Our Representative at Johannesburg".
[4] For the text *vide* Appendix III.

English or not. Moreover, under this Bill, the Government will be able to deport anyone whom it considers undesirable, and the expenses of deportation can be recovered from his property. Now, indeed, are the Indians pressed hard. I do not know whether the Bill will be passed or not. But there is not the slightest doubt that the Transvaal Government wants to drive out the Indians. I hope if Indians have to leave, they will do so honourably and not in disgrace.

ASIATIC EATING-HOUSES

The Johannesburg Municipality is thinking of compelling the proprietor of every Indian eating-house to engage a European manager.

MEETING IN VOLKSRUST

A meeting was held in Volksrust on Tuesday. Mr. Cachalia was in the chair. Mr. Gandhi, Mr. Bhatt, as also Messrs Kazi and Cachalia, addressed the meeting. Everyone agreed to adhere to the gaol resolution and a collection was started on the spot. About £20 were promised, and £11 paid.

PRETORIA

Pretoria Indians are going strong. So far, not a single Indian has applied for the new permit.

[From Gujarati]
Indian Opinion, 6-7-1907

49. LETTER TO "THE STAR"

JOHANNESBURG,
July 4, [*1907*]

TO
THE EDITOR
THE STAR
[JOHANNESBURG]

SIR,

You have, much to the surprise of the Indian community, informed your readers that Indians suffer from practically no disabilities, and that the question of giving digit-impressions is one to be dismissed from consideration, as the Indian sepoy voluntarily gives his thumb-mark before receiving his pension.

I wonder whether you would now support the Immigration Bill published yesterday, as being an innocuous measure so far as Indians are concerned. Asiatics have been credited with unfathomable subtlety, but that displayed by the framers of the Bill certainly, to use a vulgar

expression, takes the cake. It is, if my reading of Sub-section 4 of Section 2 be correct, I take it, an answer to "passive resisters" to the Asiatic Registration Act; and, in order to break the spirit of the last vestige of dignity that yet remains in Indians in the Transvaal, a system of State robbery is instituted. For the section in question makes an Asiatic who does not take out the new registration certificate a prohibited immigrant, and a prohibited immigrant is liable to suffer imprisonment and then to be physically deported, the expenses of deportation to be levied from the estate, found within the Colony, of the deported. Thus, the law manufactures a prohibited immigrant by a most circuitous method. A man who has made the Transvaal his home, but who, rightly or wrongly, protests against a law applicable to him, by way of suffering further penalty is to be treated as an outlaw in the country of his adoption. The section in question, moreover, can only refer to the Asiatic and Immorality Acts, that is to say, prostitutes, pimps, and Asiatics who refuse to surrender their self-respect are to be classed in the same category.

Moreover, to show the wantonness of the insult offered, I draw the attention of the public to the fact that if an Indian who may satisfy the most rigorous test, say, for instance, Sir Mancherji, wishes to enter the Transvaal, he must, perforce, take out a registration certificate for himself and his minor children, the latter also, if over eight years, to give their separate and simultaneous digit-impressions, unless he wishes to be classed as a prohibited immigrant and to be deported. Now the Registration Act is intended, so it is said, to serve as a measure of identification only. Is there any meaning in identifying a man who, by reason of his possessing educational qualifications, can claim to remain in the Transvaal but for the Asiatic Act? Does he not carry marks of identification on his own person, seeing that he is liable to be examined as to his knowledge of a European language, at any time, whether within or without the Colony?

What becomes of the speeches of General Botha,[1] who showed so much anxiety, when in London, for the welfare of the Empire as a whole, who assured Lord Ampthill that there was no intention of imposing humiliation on Indian subjects of the Crown? Is self-government to mean a licence to deprive Asiatics, without check, of all liberty? Sir George Farrar, speaking on behalf of the Progressive Party, stated that the question underlying the Asiatic Registration Act was of the highest importance, that the passing of the Act inflamed millions of Indians unnecessarily against the British Empire. And yet, in order to assist the Government, Sir George, at the risk of wounding, at a most inopportune time, the susceptibilities of Indian subjects of King Edward, supported the Asiatic Registration Act. Is the Progressive Party to approve of the

[1] *Vide* Vol. VI, pp. 448, 471.

Immigration Bill with the hideous clause to which I have drawn attention, in spite of its boast of Imperialism?

I am, etc.,
M. K. GANDHI

The Star, 5-7-1907

50. FAT IN THE FIRE

Our Pretoria Correspondent, in sending a report of the proceedings of the mass meeting at Pretoria, says that production by Mr. Moulvi Ahmed Mukhtiar of a letter from the C.S.A.R.[1] created quite a sensation. The letter we consider to be a very important document and it runs as follows:

> In reply to your letter of the 24th instant which has reference to the travelling expenses of a priest ministering to the religious needs of the Mahomedan community in the Transvaal, I desire to state that, as the concession accorded to Ministers of Religion over the C.S.A.R. is not extended to religions other than the Christian or Jewish, I am unable to grant the special facilities asked for.

It is signed by no less a personage than the Chief Traffic Manager. It ends, in our opinion, all hopes of fair treatment promised by General Botha. The letter overrides the boast of the Empire that within it there are no religious distinctions. Racial distinctions we have, unfortunately, become used to. But the Asiatic Act has led the way by laying down a religious demarcation. And the lead has been followed by the Railway Department. Indians wishing to remain in the Transvaal know what they are to expect from the authorities. We wonder what justification Lord Elgin proposes to offer for this latest instance of wanton insult to the religious susceptibilities of a people whose rock is religion and who—both Hindus and Mahomedans—are easily moved by an attack on their religion.

Indian Opinion, 6-7-1907

51. POINT OF HONOUR

The Amir of Afghanistan has had his status raised from "His Highness" to "His Majesty".[2] This did not happen quite easily. It was when he made it a point of honour that he was accorded due respect by the British. Before visiting India, he had made it a condition that his status should be fully maintained and that the Government should make no

[1] *Vide* "Letter to *Rand Daily Mail*", pp. 67-8.
[2] *Vide* Vol. VI, p. 493.

reference to political matters. Lord Curzon[1] had also invited him to visit India. But he had then flatly declined the invitation. The reason for this has been disclosed by Mr. Morley[2] in his budget speech. Speaking at Kabul, His Majesty the Amir said: "This time the officers of the Indian Government maintained a discreet silence on political matters. As they kept their word, I referred to the subject myself of my own free will and they too did not misuse the reference. I accepted Lord Minto's[3] invitation as it was politely worded. Between the invitation at the time of the Delhi Durbar and the one by Lord Minto now there is a world of difference. I had therefore decided not to attend the Delhi Durbar. Rather than accept that unworthy invitation, I thought I would lose my crown, become a beggar and even suffer death." It was this sense of honour that secured respect for His Majesty and Lord Curzon was discomfited.

It is along these lines that the Transvaal Indian community also has to think. It is necessary to take the pledge that, even if we lose everything, we shall not submit to the new law. We publish in this number a translation of the Regulations that have been gazetted. They are harsher and more stringent than anyone could have even dreamt of. The sweet words spoken by General Botha in England have been washed away. We are very glad. If the poisonous pill of the new law had been wrapped up in the silver foil of mild regulations, some credulous Indians might have been misled. Now there is not a single Indian who will accept such a law and such regulations.

Let us for a moment consider what will be gained by the Indian who submits to the law. Firstly, he will have forsaken his God. Secondly, his honour will have been lost. Thirdly, he will have incurred the curse of all India. Fourthly, there will come a time when he will have to go to a Location and at last live a dog's life in the Transvaal. Is there any Indian who will gain such 'benefits' by submitting to the law? Now let us take the case of the Indian who does not submit. This Indian will have lived in fear of God and kept his covenant with Him. He will be regarded as a hero and acclaimed by all India. The gaol he enters will be considered a palace. The utmost that he will suffer is that he may lose all his possessions and may have ultimately to leave the Transvaal. If he has to leave the Transvaal and go elsewhere, is not God there also? The Lord who has given us teeth is ever present to give us something to chew. He needs no flattery. He whispers constantly into our ears, "Trust in Me alone." If we do not listen to His sweet words,

[1] (1859-1925), Viceroy and Governor-General of India, 1899-1905; *vide* Vol. V, pp. 47-8.

[2] (1838-1923), Secretary of State for India, 1905-10

[3] (1845-1914), Viceroy and Governor-General of India, 1905-10

having ears we are deaf. If we do not see Him sitting by our side, having eyes we are blind.

If the Indian community adheres to its pledge, we reckon that no Indian will be ruined and that, not only the Transvaal Indians, but also all Indians in South Africa will be freed. For the Indian people will come to know their own strength, and the brave Boers will recognize our courage.

Once there was a lion who had since birth grown up among lambs. He had forgotten his true self and had come to regard himself as a lamb. Seeing a herd of lions, he became somewhat aware of his true self. This applies to the Indian lion. We have forgotten ourselves for a long time and have been reduced to helplessness. Now the time has come for us to realize our true self, and therefore,

Placing your trust in the Master,
Full and sincere,
Be glad in your heart
That to gaol you'll go, certainly to gaol you'll go.[1]

[From Gujarati]

Indian Opinion, 6-7-1907

52. S. A. B. I. COMMITTEE'S ADVICE

We have already published the Committee's cable about the Transvaal law.[2] It can be seen from Mr. Ritch's letter that we need not in the least be scared by the Committee's cable. Even if the Committee should disown us, we cannot retrace the step that, after mature consideration, we have taken about going to gaol. To a man setting out on an adventure, other people's advice is of no use.

When Dr. Jameson carried out his raid [on Johannesburg] in the Transvaal, he sought nobody's advice. The attack has now been forgotten, but his bravery is praised even today. He is now a friend of General Botha and runs the Government of the Cape.

English suffragettes were politely advised by Sir Henry Campbell-Bannerman, the Prime Minister of England[3], to give up the method of seeking imprisonment. Among those ladies there was an aged sister of General French[4]. That prudent counsel was rejected by those brave women. How should Sir Henry know how much they suffer for being without franchise? When these courageous Englishwomen are carrying

[1] These lines are from the prize-poem, "Gaol-going".
[2] *Vide* "Johannesburg Letter", pp. 59-60.
[3] 1905-8
[4] *Vide* Vol. VI, p. 335.

on a struggle for winning new rights, paying no heed to anyone's advice, how can the Indians in the Transvaal give up their struggle for safeguarding their existing rights and their freedom, though the Committee or any other big people may advise them to do so?

[From Gujarati]

Indian Opinion, 6-7-1907

53. *WHAT A SAD PLIGHT!*

If clouds have gathered in the Transvaal, Natal will not be left behind. The Coloured races are being constantly dominated by the Europeans. A Bill has now been introduced in the Natal Parliament providing that Indian landlords, who have been cultivating their lands themselves and who let them now to other Indians or Kaffirs, shall pay on those lands double the tax that the Europeans pay. Only the Europeans of South Africa are capable of such justice! But it has always been the way of the world to add humiliation to defeat. Therefore, the grievances of Indians will disappear only when they raise their heads and stand up to fight. Of course, it will be necessary for the Congress to make petitions, etc.

[From Gujarati]

Indian Opinion, 6-7-1907

54. *NATAL, ARE YOU AWAKE OR ASLEEP?*

The Transvaal Indian knocks at the door of the Natal Indian and asks this question. He says, 'We shall stake everything and fight to the finish.' Will the Natal Indians come to the help of those fallen on the field or will they keep aloof? Every Indian in Natal has to make up his mind as to the answer to this question.

If the Natal Indians mean to help those in the Transvaal, they too should honour their pledge. It is true the Natal Indian leaders have given encouragement to the Transvaal Indians but that was through letters and telegrams. The time has now come to honour their word, both spoken and written. We therefore appeal to Indians in Natal to wake up, lest people should sing of them :

Men without honour promise more than they mean,
But never a single pledge do they keep.

[From Gujarati]

Indian Opinion, 6-7-1907

55. OBNOXIOUS LAW

Atrocious Regulations

The expected has happened. It has been notified in the Transvaal *Gazette* that the new law will come into force from July 1. The Regulations framed under the Act are so oppressive, so obnoxious, that it seems impossible for any Indian to submit to them. We give below a full summary of those Regulations:[1]

1. This clause contains several definitions.
2. Shows how a Register of Asiatics is to be maintained.
3. Persons above the age of sixteen should apply in Form B. The application for a child under sixteen years and above eight years should be in Form C.
4. Every adult shall appear before such person as the Colonial Secretary may appoint, and furnish such person with the required particulars in Form B, and shall produce and surrender to such person his permit, the registration certificate obtained on payment of a fee of £3, and any other documents which he may desire to produce in support of his application.
   When making an application for a minor, the father or guardian of the minor shall appear with such minor, shall produce the documents referred to above, and furnish the particulars required in Form C.
   Every application for registration shall be made at such place as the Colonial Secretary may prescribe.
   The person appointed to receive applications shall, on completing the application, issue to the applicant a written acknowledgment of the receipt of the application, and thereafter transmit the application to the Registrar.
5. If the Registrar refuses to register any adult as above, he shall issue a notice of such refusal to the applicant and send a copy of the same to the [Resident] Magistrate.
6. The certificate of registration shall be in Form F.
7. Every adult shall, if required, supply the following particulars to the police, in addition to producing his certificate of registration :
   (1) his full name;
   (2) his present residence;

[1] The translation given here has been collated with the English text of the Regulations, *vide* Appendix IV.

(3) his residence at the date he made application for registration;
(4) his age;
(5) a specimen of his signature, if he is able to write;
(6) impressions of his thumbs and fingers.

8. The father or guardian of a minor shall, if required, supply the following particulars, in addition to producing the certificate of registration :
(1) his own name in full;
(2) his present residence;
(3) the name in full of the person who was guardian of the minor at the date on which the application was made, and the residence of such person at such date;
(4) the age of such minor;
(5) the impressions of the thumbs of such minor, or of his thumbs and fingers.

9. On making application for a certificate of registration for children under eight years of age, the father or guardian shall supply the following particulars :
(1) their full names;
(2) their respective ages;
(3) the relationship of each to the guardian;
(4) the birth-date of each[1];
(5) the date on which each entered the Transvaal.

10. Every Asiatic applying for a duplicate in case the original certificate is lost[2] shall supply the following particulars :
(1) the number of such registration certificate;
(2) his full name;
(3) his present residence;
(4) if the lost certificate was that of a child, the full name of such child;[3]
(5) impressions of his thumbs and fingers;
(6) if the application is on behalf of a minor, the impression of his guardian's [right] thumb, and the impressions of the thumbs and fingers of such minor.

11. When applying for a trading licence or any other kind of licence, the applicant shall, in addition to producing his certificate of registration, furnish impressions of all or such of his thumbs or fingers, as may be required by the officer.

[1] The English text has the words "the birth-place of each".

[2] The Act, however, reads, "applying for the renewal of the certificate of registration".

[3] The English text has : "the full name and the age of the minor (if the application is made by a guardian on behalf of a minor)".

12. Every Asiatic applying on behalf of another Asiatic, who is temporarily absent from the Transvaal, for a trading licence shall supply the following particulars to the officer:
    (1) his own certificate of registration;
    (2) the full name of the person on whose behalf the application is made;
    (3) the present residence of such Asiatic;
    (4) the power of attorney or other authority given by such person, bearing the impression of his right thumb;
    (5) the impression of his own right thumb.
13. Permits for a limited period will be issued in Form G.

FORM B

FORM OF APPLICATION BY AN ADULT

Name in full . . . Race . . .

Caste or sect . . . Age . . . Height . . .

Residence . . . Occupation . . .

Physical description . . .

Place of birth . . .

Date of first arrival in the Transvaal . . .

Where resident on May 31, 1902 . . .

Father's name . . . Mother's name . . .

Wife's name . . . Residing at . . .

Names and ages of children under eight years of age, their residence, and relationship to the guardian . . .

Signature of applicant . . .

Signature of the person taking application . . .

Date . . . Office . . .

Right-hand impressions

Thumb	Index	Middle	Ring	Little

Separate impressions of the left-hand as above.

Simultaneous impressions

Left-hand — The four fingers	Right-hand — The four fingers

Impressions of adult taken by . . .

Date . . .

FORM C

FORM OF APPLICATION FOR A MINOR

Particulars of Guardian

Name in full . . . Race . . .
Residence . . .
Relation of guardian to minor . . .
No. of certificate . . .

Particulars of Minor

Name in full . . . Race . . .
Caste or sect . . . Age . . .
Residence . . . Occupation . . .
Where resident on May 31, 1902 . . .
Father's name . . . Mother's name . . .
Physical description . . .
Place of birth . . .
Date of arrival in the Transvaal . . .
Right thumb-impression of guardian

Signature of guardian . . .
Signature of minor . . .
Signature of the person taking application . . .
Office . . .
Date . . .

Impressions of thumbs and fingers of the minor, both of the right and the left hand, as in Form B, and the signature of the officer taking the thumb-impressions and finger-prints . . .

FORM F

CERTIFICATE OF REGISTRATION

Name in full . . .
Race . . . Age . . . Height . . .
Description . . .
Right thumb-impression

Registrar's signature . . .
Date . . .
Holder's signature . . .

FORM G[1]

Temporary Permit

[1] Particulars in this form are as in form "F" above.

NOTICE

It is notified in the *Gazette* that Asiatics residing in Pretoria must apply for the new register to Mr. Richard Terence Cody, at 70, Church Street, before July 31, 1907.

Mr. Cody will remain present at the place referred to above from Monday to Friday between 9 a.m. and 4 p.m., and on Saturday up to 2 p.m.

EFFECT OF RULES

The Rules include the following additional points not anticipated earlier:

1. In India, Hindus and Muslims respect the mother so deeply that if anyone compels them to make a reference to her name, that may lead to murder. The name of the mother will have now to be entered in an application.
2. It was never dreamt that impressions of all fingers would be required from children. Now they will take eighteen such prints. It is the usual experience that delicate children of nine years will start crying if touched by a stranger. These delicate Indian children will now have contact with rough hands. Fathers will look on while impressions of their fingers are being taken.
3. Not only that impressions of all fingers will have to be given, but it will be done twice—together and separately.
4. The police have orders to take impressions—of children as well as of adults.
5. If a merchant goes out, and the application for licence is made by his partner, he will need to have with him the power of attorney from the merchant, bearing the thumb-impression of his right-hand. This is insulting in the extreme. From now on, a signature will not be sufficient on the power of attorney by an Indian, but a thumb-impression will be required.
6. All applications will be prepared by officers. No one can have them prepared by a lawyer or agent.

At first sight it may appear that this rule will save expenditure. But looking at it more closely, we find that it is like being served with a sweet dish with a tiger in front. Even adult Indians become nervous in the presence of officers. What then can we expect of children?

[From Gujarati]

Indian Opinion, 6-7-1907

56. *MASS MEETING AT PRETORIA*[1]

In view of the fact that the new law was to come into force in Pretoria from July 1, there was a huge mass meeting on Sunday, June 30. Indians from Johannesburg went there specially at their own expense. Among those who attended were the Acting President, Mr. Essop Mia, Moulvi Saheb Ahmed Mukhtiar, and Messrs M. S. Coovadia, Emam Abdool Cadir, Omarji Sale, Makanji, Zinabhai, Gulabbhai Kikabhai, Morarji Desai, Gulabbhai Patel, Bhula, Ranchhod Nichhabhai, Nadirshaw Cama, Mahomed Essak, Khushal, Peter Moonlight, Naidoo, A. S. Pillay, Gandhi and others. From Pretoria nearly four hundred Indians attended, including, besides Mr. Hajee Habib, the Moulvi Saheb of the mosque at Pretoria, Mr. Hajee Cassim Jusab, Mr. Hajee Osman, Mr. Cachalia, Mr. Ally, Mr. Hajee Ibrahim, Mr. Gavarishankar Vyas, Mr. Prabhashankar Joshi, Mr. Mohanlal Joshi, Mr. Omarji and other gentlemen.

The delegates from Johannesburg were looked after by Mr. Hajee Habib and Mr. Vyas.

The meeting commenced punctually at 3 p.m. and continued up to 7 p.m. Welcoming them all, Mr. Hajee Habib said that the new law was barbarous. So long as the Regulations [under it] were not published, he had hoped that if they happened to be reasonable the law could perhaps be accepted. But after going through the Regulations, there could be no question of accepting the law. The Indian community must unitedly oppose the law. He proposed that Mr. Essop Mia should take the chair.

Mr. Essop Mia thanked Mr. Hajee Habib for placing his house at their disposal. He asserted that the law being poisonous, they could not respect it. He showed himself ready to serve the community even at the cost of his personal affairs. He wanted all people to stand together. So far, they had remained submissive, but they could not remain so any longer. Nowhere in the world did they ask for the mother's name. Only on the Day of Judgement would they be identified by their mother's name. But now the Government would ask them to give the mother's name. The Indian community would never submit to such slavery.

Mr. Gandhi explained the implications of the law and said that it was necessary for every Indian, whether rich or poor, to be free. That

[1] The report in Gujarati carried the headlines: "Huge Mass Meeting of Pretoria Indians: Spirited Opposition to Obnoxious Law: Everyone Ready for Gaol" and was published as a "Special Report for *Indian Opinion*".

this law had been approved by the [Imperial] Government made no difference. It still remained to be approved by the Indian community.

Unless it was accepted by the Indian community, it could not be taken that the law had been passed. If any Indian, big or small, should accept the title-deed of slavery under the law, others would not follow his example. Those who kept themselves free would win in the end.

In a spirited speech, Moulvi Saheb Ahmed Mukhtiar pointed out that it was necessary for all of them to stand together. They alone were true Muslims who attended to the claims of worldly affairs as well as to those of religion. When Hazrat Yusuf Abesalam was placed in a distressing situation, he prayed to God that he might be sent to gaol instead. No Indian should submit to the oppressive law. He suggested that a committee should visit every place to educate public opinion. If such a committee was appointed, he would also be ready to join it.

Mr. Naidoo spoke in Tamil and asserted that, even if he were to die, he would not submit to the law.

Mr. Omarji Sale also made a speech and asked Indians to remain united and to boycott the Permit Office.

Mr. M. S. Coovadia supported the previous speaker. Mr. Cama said that the law was so bad that no Indian with self-respect could think of submitting to it. He would not submit to it, even if he were to lose everything, including his life.

Mr. Emam Abdool Cadir said that he could not submit to the law, whoever else among the Indians did. It inflicted a sentence of imprisonment worse than that of transportation for life. The Moulvi Saheb gave his support to the resolution and declared that he was ready for a tour of all places.

Mr. Makanji said that he had thought of accepting the law if it afforded the slightest relief. But now it was his firm determination that he would not accept it, whoever else did so.

Mr. Hajee Ibrahim also spoke and said in conclusion that the law could not be accepted.

Mr. Noormahomed Ayub said that it was a golden opportunity for the Indians to show their spirit.

Messrs Ismail Jooma, Manji Nathu, Trimbaklal and Hajee Osman Haji Aba spoke in the same strain.

Mr. Cachalia said that he would give an assurance that 90 per cent. of Suratis would go to gaol.

Mr. Omarji gave the same assurance.

Mr. Gavarishankar Vyas pointed out that, to those who were true to their faith, the oath of September was sufficiently binding.

Mr. Nimji Anandji exhorted them never to submit to the law.

Mr. Pillay also made an inspiring speech.

Messrs Gulab Rudra Desai, Khushal Chhita, Gulam Mahomed and Musa Suleman said that they would persuade everyone found on his way to the Permit Office to return.

Mr. Haji Cassim said that the law could not be accepted by the Indian community in any circumstances.

Moulvi Saheb Ahmed Mukhtiar pointed out that the duty of the priest was not merely to lead prayers but also to share fully the hardships of the people. It is because the whites wanted to insult their religion that they made distinctions in regard to railway fares. The railway officials told them that Christian and Jewish priests were entitled to concession tickets for railway journeys, but not Indian Muslims. The Indian community would never acquiesce in such slavery.

In the course of his concluding speech, Mr. Essop Mia offered his shawl as a gift to Mr. Gulab Rudra Desai, in token of his appreciation of the latter's courage and said that he was ready to give up his personal work and devote himself to the service of the people. There was a heavy burden on his fellow-countrymen at Pretoria and he was convinced that they would shoulder it quite well. The whole Indian community was grateful to Mr. Hajee Habib for his hospitality.

The business was concluded on this note of enthusiasm, and the meeting came to an end at seven o'clock.

[From Gujarati]

Indian Opinion, 6-7-1907

57. INTERVIEW TO "RAND DAILY MAIL"

It has been notified in the Transvaal *Government Gazette* that the Asiatic Act will come into force on July 1. The Regulations framed under this new Act have been published and according to them impressions of all fingers will be taken simultaneously and singly. A representative of the *Rand Daily Mail* interviewed Mr. Gandhi with a view to obtaining the reactions of Indians to these Regulations. The following report was published in the issue of the *Rand Daily Mail* of the 29th [ultimo].[1]

> My co-workers and I will undergo the extreme penalty prescribed by law rather than submit to the law for Asiatics that has been passed. No self-respecting Indian will submit to this Act. From the letters received by me and the editor of *Indian Opinion*, about fifty per cent. of the Indian population in the Transvaal will resist the law. I have not met a single Indian so far who justifies it. Some assert that they will leave this country. But I have

[1] What follows, however, is a summary. *Vide* "Interview to *Rand Daily Mail*", pp. 60-2.

not come across a single person who even talks of applying for a register. Indians are very angry and at least 6,000 persons will refuse to apply for registers. If they are prosecuted by the Government, they will be ready to go to gaol. No doubt they will run into loss by doing so. But they are ready to sacrifice their all for the sake of their self-respect. Since we have no say even in regard to the making of laws that affect us, we feel that there is only one course left to us, and that is, not to submit to any law.

It has been said that the law is mild. But I must say that I have read the laws of many colonies, and in not a single colony have I come across a law so insulting and humiliating as this Act. Two thousand people were present at the meeting in the Empire Theatre, and they have solemnly resolved with one voice that they will not get registered under compulsion. I am confident that they will keep the oath.

[From Gujarati]

Indian Opinion, 6-7-1907

58. JOHANNESBURG LETTER

New Law

The Regulations, which Indians had been awaiting for long, have now been published. A Gujarati proverb says, "As is the father, so is the son; as is the banyan tree, so is its fruit." Likewise, as is the Act, so are the Regulations. Those who had hoped for some leniency in the Regulations are disappointed. I for my part am very glad that the Regulations are unexpectedly stringent. This has made every Indian resolute. All Indians say that there is now no alternative to gaol-going.

Snakes in Grass

There is a proverb in English that green grass sometimes harbours green snakes which remain invisible. Their presence is felt only when they bite. The same is true of these Regulations. Only now do I realize that there are some snakes hidden in them. When I first read them, I could not follow some of their implications. I had thought that no one was likely to be interrogated so long as the new permits or title-deeds of slavery had not been issued. Now, on second thoughts, I see that, according to the powers granted to the police under the Regulations, they can require any Indian to give his finger-prints and state his antecedents. Again, this may be required as often as the police choose. One has to beware of this snake. If the Government should choose to apply pressure by turning this screw, the Indian community will perhaps feel baffled. But the remedy is clear. Under no circumstances is any Indian

to give his finger-prints. All these days we used to give the thumb-impression. But now that the thumb-impression has been made obligatory, we should refuse to give even that. What will be the consequence of this? The gaol, of course. The thought of gaol should be an ordinary matter to every Indian. According to the new law, the penalty for not furnishing the particulars or identity marks that the police may demand, is fine or imprisonment. In no case is the fine to be paid. Thus, only gaol remains. I also advise that no one coming from Volksrust should now give his thumb-impression or finger-prints to the police. When, in consequence, he is taken to a magistrate, he should prove [his right]. If the magistrate should still sentence him to gaol, he should undergo the sentence. Again, this struggle is only for those who have a true case, that is, what is stated above applies only to those who hold a permit bearing their own thumb-impression. This needs a good deal of courage, but that courage we ought to have and will certainly have.

Another Snake

That was but one snake. Another snake relates to the question of licences. I thought the taking of finger-prints in connection with licences would commence in January. But I now find that it comes into force immediately. For finger-prints can be demanded of anyone seeking a licence. This matter may not have been noticed even by revenue officers. I hope therefore that Indians have already taken out their licences. But how long can we carry on like this? The Government has brought in the question of finger-prints everywhere. We have therefore to be particularly careful. I had believed that the provisions of the law would be duly complied with if one person in each big shop held a permit, but on reflection, I see that it is but following a mirage to keep on hoping that one person could carry on the trade. I ought, therefore, to say that it will be good for the merchants to give up, if necessary, all hopes of continuing trade. If we hold ourselves ready to sacrifice our business for the sake of the country and our self-respect, we shall not get panicky when the time comes. It does not, moreover, seem proper that one should, even for the sake of one's trade, give the finger-prints and be a bondsman. The best and the only course is to repose full trust in God and sacrifice everything for the good of the country. We shall surely need such unalloyed courage to achieve success.

Pretoria's Opportunity

Issuing of the title-deed of slavery has started with Pretoria. Hence a great responsibility has devolved on it. But it has also the opportunity of proving its mettle. All Indians wish and pray to God that Pretoria may act in a manner worthy of itself.

COMMENT BY "DAILY MAIL"

A correspondent of the [*Rand*] *Daily Mail* saw Mr. Gandhi on Friday last and obtained some information from him.[1] Mr. Gandhi told him that at least 6,000 Indians were certain to go to gaol. The Indian community would not swerve from the pledge taken in the name of God. There was no disloyalty involved in disobeying the law. In so doing, the Indian community sought only to preserve its honour and self-respect. One could not say how one would become free by thus opposing the law. But the brave colonists would be able to appreciate the courage of the Indians. Even if that did not happen, still by going to gaol, the Indian community would at least have shaken the Transvaal's dust off its feet instead of staying on there under conditions of slavery.

Commenting upon this interview, the *Daily Mail* expresses its sympathy, but says that the Indian community should accept the law because it was not the object of the Government to humiliate them. The Government's object in taking finger-prints was to prevent the entry of other Indians. The correspondent of the *Daily Mail* further states that the Government has purposely begun with Pretoria as it is the weakest of all. This being so, Pretoria Indians are certain to take out the new registers and the others will follow as a matter of course. I am sure Pretoria will give a fitting reply to this aspersion and show itself courageous.

REPLY TO "RAND DAILY MAIL"

To this letter in the *Daily Mail*, Mr. Gandhi has made the following reply:[2]

COMMENT BY "THE STAR"

The Star is also very critical, and, feeling alarmed, asserts that the Indian community has no grievance other than the giving of ten finger-prints. Indians would not be sent out of Vrededorp without compensation. It adds that Indians are also free to use the tram-cars. As for finger-prints, the Indian sepoys give them in India.

All this is patently false. Payment of compensation at Vrededorp is problematic. Indians are even now being pushed out of the trams. Only *The Star* can say that there is no difference between voluntary giving of finger-prints by Indians and taking them forcibly from merchants as if they were illiterate sepoys. However, it can be seen from the comments appearing in both the *Mail* and *The Star* that the Indian

[1] *Vide* "Interview to *Rand Daily Mail*", pp. 60-2.

[2] Here followed in the original a translation of "Letter to *Rand Daily Mail*", pp. 67-8.

community's preparation for a struggle has given rise to nervousness. What, then, may not be achieved if it actually acts with real courage?

SYMPATHY FROM NATAL CONGRESS

A telegram has been received from the Natal Indian Congress exhorting the Indian community to adhere to the gaol resolution and promising monetary aid. This expression of sympathy is very useful. But the time is such that whatever monetary aid is intended to be given should be sent immediately. No doubt, money will be required in plenty if the Indian community ventures upon a really bold course.

[From Gujarati]
Indian Opinion, 6-7-1907

59. LETTER TO "RAND DAILY MAIL"[1]

JOHANNESBURG,
July 6, 1907

TO
THE EDITOR
[*RAND DAILY MAIL*]

SIR,

I trust I need not offer any apology for reverting to the Asiatic question.

I did not say to your interviewer[2] that "passive resistance" was a new way to my compatriots. What I did say was that it was not possible for me to forecast the result, as we had been for generations unused to it, especially on a large scale. I, personally, feel proud to notice that the faculty of suffering for the common good has only lain dormant, and that, under stress of circumstances, it is being again quickened into life. Picketing is by no means a new thing to the Indian mind. The network of castes in India simply illustrates the use and value of that weapon, provided that it is rightly used. Ostracism and excommunication are the most powerful instruments resorted to today in India, in unfortunately trivial matters, and, if the Registration Act now enables my countrymen to realize the use of that terrible weapon for a higher purpose, both Lord Elgin and the Transvaal Government will have deserved their gratitude.

[1] This was published under the title "Indian Picketing" and reproduced in *Indian Opinion*, 13-7-1907.

[2] *Vide* "Interview to *Rand Daily Mail*", pp. 60-2.

There is, of course, therefore, nothing strange in Indian pickets, with (for them) rare self-sacrifice and courage, endeavouring to show their ignorant or weakly brethren the path of duty. At the same time, there is just as much difference today between Western pickets and Eastern, or, rather, Indian, as there is, apparently, between West and East. We have no desire to terrorise. We do not wish to compel obedience to the wish of the majority, but, like the indomitable Salvation Army lasses, we do, in our humble manner, wish with all the persuasive power of which we may be capable to inform those who do not know of what is held to be the right view of the Asiatic Registration[1] Act. It is, then, left open to such men either to accept the advice that may be given by us, or to accept the degrading Act and to sell themselves for a miserable existence in this country. As I have said before, if the Colonists knew what the Act means, they would themselves call such Indians as obeyed it curs fit only to be kicked and despised.

You quote, I take it for the benefit of the Indian community, Mr. Henry's remarks on the use of finger-prints in India. Their use, however, has never been denied. It is the abuse of the system against which I have ventured, in common with my fellow-countrymen, to protest.

You hope that wiser counsels will prevail among my countrymen, and that they will submit to the Act. I, on the other hand, hope that, if my countrymen rise to the occasion and are prepared to sacrifice everything rather than their honour and self-respect, you will change your views and respect them as men of their word. Let me remind you that Indians have sworn before God that they will not submit to the law. Perjury before a Court of Law can be expiated by suffering punishment that may be awarded by a judge. What expiation is possible before the Judge of Judges, who never errs? If we perjured ourselves before Him, we would then indeed be unfit associates for any civilised body of men, and the ghettos of old will be our proper and deserved lot.

I am, etc.,
M. K. GANDHI

Rand Daily Mail, 9-7-1907

[1] The original has "Legislation".

60. LETTER TO "THE STAR"

P. O. Box 57,
PRETORIA,
July 7, 1907

TO
THE EDITOR
THE STAR
[JOHANNESBURG]

SIR,

Your Pretoria correspondent has given the Indian community deserved credit by saying that "no serious troubles are anticipated" with reference to the struggle of British Indians in this Colony not to submit to the Asiatic Registration Act. The Attorney-General, too, paid us a compliment by saying that he did not expect the law-abiding Indians to resist the enforcement of the law. The only difference is that the law-abiding instinct, while it makes rioting and physical resistance impossible, does not involve acceptance of any measure, however distasteful. That instinct tells us that, if we cannot bear the yoke imposed by the law, we must suffer the consequences of its breach with quiet dignity and resignation.

Your correspondent threatens that, if my countrymen do not change their attitude, the penal clauses will be rigorously enforced and they will be deported. This threat was unnecessary, for we have counted the consequence of non-submission. Gaol has no terrors for us compared to the enforced slavery of the Registration Act, which puts on the whole community a brand of criminality. Deportation will be a welcome relief from the contemplation of a dog's life in what we have been taught to consider our own home. If the Act bears as heavily on us as we represent it to do, no sacrifice will be too great for us.

We are having a unique experience of Imperialism and the cosmopolitan nature of the Empire. The Imperial arm is presumed to cover the weak from the strong. Indians of the Transvaal are now waiting to see whether that arm is to protect the weak Indians from the strong whites—British and otherwise—or whether it is to be used to strengthen the hands of the tyrant to crush the weak and helpless. Pardon the use of the word, but is it not tyrannical to disregard every sentiment and our religions, for this is no question of regulating immigration? The principle of registration we have accepted; the manner of it we bitterly resent. But the Government wish to impose studied humiliation. Are Indians to blame if, rather than suffer it, they are prepared to lose their earthly

PRETORIA MASS MEETING

I have your letter. I note what you say about Sha-jee. Mr. Polak has just returned from Pretoria. He has done exceedingly well there.

रामा.
पक्षी.

I have written to Mr. West about jobs. The Customs Forms, as I have said to Mr. West, are to be sent to the address in your possession of Ibrahim Mahomed. He is one of the subscribers.

I am certain that it is a short-sighted policy not to print Hindi. We are really not even using our capital. "Ramayana" is bound to sell, and, in my opinion, it will be a work of very considerable merit, for the simple reason that thousands of people who cannot possibly study the whole work will gladly avail themselves of the condensation. If, therefore, a good man is available, you should certainly not hesitate to incur the expense. The reasoning which tells you that, according to the expenses here, the book will be dear is faulty to a degree. It should be plain to us that, if the expenses are high, the prices charged are correspondingly high. The term "high", therefore, is merely relative. The Bhagavad-Gita which we would issue in India for one anna, we charge one shilling for, because the expenses were comparatively high. I am perfectly certain that, whenever we think of having things done cheaply outside the country of our adoption, we bring into play the ordinary weakness, namely, to drive the hardest bargain possible, and it is for that reason that I have condemned in my mind the idea of having the South African book printed in Bombay, and I feel this so keenly, that I have not yet summoned up sufficient zeal for writing out the book. I would ask you to reason this thing out for yourself. Never mind whether we employ an extra hand or not and whether we publish the book or not; that is a matter of detail. The first thing is to lay down the principle. If we cannot enforce it, or if we have not sufficient courage to do it, then we cease to worry about it, and cease to think of enlarging the scope of our work. If you need money, please let me know in time.

Yours sincerely,

LETTER TO CHHAGANLAL GANDHI (p 95)

possessions? If the whole of the white Transvaal be against us, God is with us.

I am, etc.,
HAJEE HABIB
SECRETARY,
BRITISH INDIAN COMMITTEE, PRETORIA

The Star, 9-7-1907

61. JOHANNESBURG LETTER

Monday, [July 8, 1907]

WELL DONE, PRETORIA!

Pretoria has done exceedingly well. Especially those from whom courage was hardly expected have borne tremendous suffering and neglected their own business in order to be ready for public service. Indians are thinking of nothing but how their honour may be defended.

ALL PRAISE TO VOLUNTEERS

The volunteers, pickets or watchmen, or patriotic workers [whatever name we may use] have earned glory for themselves. Their names will go down for all time in the history of the Transvaal Indians. They devote all their time to keeping a watch. Their names are as under:

Messrs A. M. Cachalia, Gavarishankar Pranshankar Vyas, Gulam Mahomed Abdul Rashid, Cassim Sidoo, Khushal Chhita, Memon Ebrahim Noor, Govind Prag, Hossen Biba, Mahomed Valli, Ardeshir Framji, Chaool Beg, Gulab Rudra Desai, Moosa Suliman and Ebrahim Noor.

These patriots go round the Permit Office by turns throughout the day, and if they find any Indian going there, they persuade him courteously and stop him. At present they have given up their private business and plunged into the service of the motherland. They do not care for the dangers they may have to face. They are quite prepared to suffer whatever consequences may follow. It would not at all be surprising if such patriotism should lead to ultimate success.

LESSON FROM THEIR COURAGE

The work of these volunteers must be emulated everywhere in the Transvaal. Officials will shortly be appointed everywhere to receive applications for new registers. As at Pretoria, Indians at all the other places will then have to look for volunteers. I advise them to build the bund in time before the coming of the flood, and keep volunteers ready. Those who can should visit Pretoria and see how thoroughly the work is being done there. If the boycott of the Permit Office is successful, the struggle to follow is likely to be easier.

Suggestion to Merchants

I am told that some merchants who have been importing goods from England and other places have stopped doing so on account of the new law. Such merchants deserve congratulations. It appears they are fully prepared for the worst hardship, that is, the hardship of imprisonment. If every merchant should write or send cables to his creditor to this effect, I think it may do much good. In the first place, the merchant who does so will himself feel bolder and, in the second place, the merchants in Europe will get alarmed and they themselves will begin working for us. All this can be done only by those merchants who are inspired with patriotism, who have a clear idea of the harm that may be done to us by the obnoxious law and have full faith in God.

Immigration Bill

On this Bill, Mr. Gandhi has written the following letter to *The Star:*[1]

Regulations for Hawkers

The Regulations concerning hawkers, which I mentioned earlier, have been passed. Johannesburg hawkers should therefore wake up before they get fined. For the Regulations, please refer to previous issues of this journal.

Arrest of Indian

A telegram from Potchefstroom states that Hajee Omar of that place has been arrested on charges of fraud and burning his shop. The bail fixed for him is £1,500.

Tuesday

More Information about Obnoxious Act

Lengthy articles have begun appearing in the *Rand Daily Mail* and the *Leader.* They state that Indians in Pretoria are not getting themselves registered because of pressure from Johannesburg Indians. The papers add that, during the last days of July, everyone will go to the Permit Office to give the finger-prints. We want Pretoria Indians to remain firm and prove thereby that this report is a libel. If, ultimately, people should invade the Pretoria Office like swarms of locusts, all the good work done will be undone.

Reflection on This

The Indian community has now to exercise great caution. I hear from many places that, as soon as the leaders are arrested, the people

[1] *Vide* "Letter to *The Star*", pp. 69-71.

will get themselves registered out of fear. If that is to happen, it will be, as the Indian proverb has it, like the case of a woman who went in search of a son and lost her husband. This is no time for depending upon leaders or anyone else. Everyone is to rely on his own courage. In this situation, neither lawyers nor anyone else can be of any help. When we are all involved in the conflagration, it is no use looking to one another for help. I hear that the Government will be soon laying its hands on Mr. Gandhi and, perhaps, on some other leaders also. If this happens, instead of being put out by their going to gaol, the people should welcome it and be inspired to greater courage. The truth is that we are not sheep, but free men, and we would not depend upon other people for help. The confusion in our mind will disappear only if we are convinced that a gaol is not something to be afraid of. God is our only shield, and we should all bear in mind that we are to rush into the thick of the battle with this shield in hand.

"I Shall Take It out if Others Do"

Many whites have been offering advice to Indians. When the former ask 'What will you do?', many Indians say in reply, 'We shall do what our leaders do.' Some answer, 'We shall do what others do.' These are words of cowards, and they will do harm. Everyone should give the reply: 'I dislike the law and so I will never submit to it. Moreover, I will not submit to it also because I have taken an oath in the name of God. I would rather go to gaol than submit to the law which would make a slave of me.' He who cannot give this answer will never reach the other shore. None can swim with another's buoy. We are to swim with our own strength. Will the reader swallow dust because I choose to do so? Will he fall into a pit because I do so? Will he forsake his religion because I do so? I may stand my mother's humiliation, turn my sons into thieves, and have the fingers of myself and of my sons cut off; will the reader do likewise? Everyone will answer 'Never!' In a similar spirit, everyone should answer, 'I don't care what others do, but I for my part will not submit to the law.' All do not give such straightforward answers, and that is why the newspapers make this comment that, though we seem to be enthusiastic now, we shall in the end unhitch our waggons. Everyone has to think over all this. This is no time for fear or secrecy. We have nothing to hide and keep silent about. We have to display our courage, as the sun does its splendour.

Strength of Chinese

Last Sunday, the Chinese held a meeting, to which they invited Mr. Polak. After Mr. Polak had explained the position, they too reaffirmed their resolve that no Chinese would submit to the law, and anyone doing so would be excommunicated.

ASIATIC EATING-HOUSES

The Town Council of Johannesburg intends to make a regulation that only a white can become the manager of an Asiatic eating-house. Does this mean that, at Hindu and Muslim eating-houses in the Transvaal, the whites will serve and the Indians merely watch? All this will apply to those who accept the title-deed of slavery. No one will be able to lay his hands on those who refuse to touch it.

[From Gujarati]
Indian Opinion, 13-7-1907

62. PETITION TO TRANSVAAL LEGISLATIVE ASSEMBLY

JOHANNESBURG,
July 9, 1907

TO
THE HON'BLE THE SPEAKER AND MEMBERS OF THE
LEGISLATIVE ASSEMBLY OF THE TRANSVAAL

THE PETITION OF THE ACTING CHAIRMAN OF THE BRITISH INDIAN ASSOCIATION OF THE TRANSVAAL

HUMBLY SHEWETH THAT:

1. Your Petitioner has been desired by the Committee of the British Indian Association to approach this Hon'ble House in connection with the Immigration Restriction Bill now under consideration.

2. While the said Association ventures to approve of the principle of the measure, in its humble opinion, from an Indian standpoint, some of its features are open to serious objection, namely:

(a) The Bill in question does not recognize Indian languages, which have a vast literature.

(b) It does not recognize the claim of those who have been formerly domiciled in the Transvaal. (Many British Indians who paid £3, under Law 3 of 1885 as amended in 1886, before 1899, for settling in the country, but who are now out of the Colony and who have not received permits under the Peace Preservation Ordinance, are by the Bill in question prohibited from re-entering the country, unless they possess the educational qualifications contemplated by the Bill.)

(c) Clause 4 of Section 2, as it has been interpreted to the said Association, makes it practically impossible even for British Indians with high educational attainments to enter the Transvaal, unless they comply with the terms of the Asiatic

Registration Act. (In the humble opinion of the Association, those who pass the education test imposed by the Bill need hardly furnish further identification for purposes of immigration.)

(d) As interpreted to the Association, the said Clause 4 ranks British Indians with people affected by the Immorality Ordinance, and is therefore considered by the British Indian community to be highly offensive.[1]

(e) The Bill in question, contrary to expectation, perpetuates the Asiatic Registration Act.

3. The said Association humbly ventures to draw the attention of this Hon'ble House to the fact that British Indians are not represented therein, and that, therefore, they may respectfully claim additional consideration from this Hon'ble House.

4. In conclusion, the said Association trusts that the petition will receive due consideration, and that such relief will be granted as may be possible in the circumstances. And for this act of justice and mercy, your Petitioner, as in duty bound, shall for ever, etc.

MOOSA ISMAIL MIA
ACTING CHAIRMAN,
BRITISH INDIAN ASSOCIATION

Colonial Office Records: C. O. 291/122

63. *NEW TRANSVAAL IMMIGRATION BILL*

[BEFORE *July 11, 1907*]

This Bill has not yet become an Act. But it can be seen from the Bill what the Government's intentions are; we therefore give below a summary of it:

(1) The Permit Act [the Peace Preservation Ordinance, 1903] is repealed, provided that such repeal shall not affect or abridge any of the powers conferred under the Asiatic Registration Act.

(2) After the taking effect of the Bill, the following classes of persons will be treated as prohibited immigrants :

(a) Any person without a good knowledge of a European language.

(b) Any person who has not in his possession or at his disposal means to support himself.

[1] In the petition actually presented, this paragraph was deleted by William Hosken, a member of the Transvaal Legislative Assembly, through whom it was submitted. *Vide* "Johannesburg Letter", p. 103.

(c) Any prostitute or person procuring women for immoral purposes.

(d) Any person who under any law in force at the date of his entering or attempting to enter the Transvaal will be liable, if found therein, to be removed therefrom for failure to comply with its provisions.

(e) Lunatics or lepers or those suffering from such contagious diseases.

(f) Any person about whom a report may have been received from the Imperial Government or from any other official source that he is undesirable.

(g) Any person who in the opinion of the Government is dangerous to the peace, order and good government of the Colony.

(h) This Bill will not apply to the wife or minor child of any person who is not a prohibited immigrant, and it will also not apply to Kaffirs and to European workers.

(3) For administering this law, an Immigration Department will be set up.

(4) For enforcing this law, the Governor will have the authority to enter into agreement with the Government of any Colony.

(5) Every prohibited immigrant entering or found within this Colony shall be liable to a fine not exceeding £100 or imprisonment for a period not exceeding six months, and to be removed at any time from the Colony.

(6) Any person who violates the Immorality Ordinance [1903] or who may be deemed to be dangerous to the peace, order and good government of the Colony may be arrested and removed from the Colony.

(7) Anyone who aids or abets a prohibited immigrant in entering the Colony will be liable to a fine not exceeding £100 or to imprisonment not exceeding six months.

(8) No prohibited immigrant will be entitled to obtain a licence or to acquire any interest in land in the Colony.

(9) Every person suspected to be a prohibited immigrant may be arrested without a warrant.

(10) Ignorance of this Act will be no defence.

(11) Any person ordered to be removed from this Colony shall be liable to pay all expenditure incurred by the Government in carrying out such removal, which may be recovered from the property of the person concerned.

(12) The name, permanent residence, place of birth, etc., of every person putting up at a hotel shall be recorded by the hotel-keeper, and the Government will have the authority to inspect the same.

(13) The burden of proving that he is not a prohibited immigrant shall lie upon the accused.

(14) Every magistrate shall have jurisdiction to impose the maximum penalties for all contraventions of this Act.

IMPLICATIONS OF BILL

This is a frightful Bill. The Imperial Government is likely to be deceived by it. Superficially viewed, the Bill is harmless, but on closer scrutiny it is found to be poisonous. The Bill entirely abolishes the rights of refugees without permits. Those who hold permits but go out of the Transvaal, without getting the permits exchanged under the new Act, lose their right to return.

The educated Indian is granted a right *with* one hand and deprived of it *with* the other. For, those entering on the strength of their knowledge of a European language will have, under this obnoxious Bill, to give their finger-prints within eight days of immigration and to take out a permit, failing which they will be deported.

Thus, the Indian is not likely to be benefited at all by this Bill.

The Bill will have to be sent to Lord Elgin for approval. In that case, the Indian community will have to put up a fight in England. More information about the Bill will be available between the writing of this and the date of its publication, i.e., on Thursday, the 11th instant. We shall be able to publish it in the next issue.

[From Gujarati]

Indian Opinion, 13-7-1907

64. LETTER TO CHHAGANLAL GANDHI

[JOHANNESBURG,
Before *July 11, 1907*][1]

[MY DEAR CHHAGANLAL,]

I have your letter. I note what you say about Kajee. Mr. Polak has just returned from Pretoria. He has done exceedingly well there.

I have written to Mr. West[2] about jobs. The Customs Forms, as I have said to Mr. West, are to be sent to the address in your possession of Ebrahim Mahomed. He is one of the subscribers.

[1] This was obviously written prior to his letter of July 11; *vide* the following item in which Gandhiji refers to the printing of the *Ramayana*.

[2] Printer of *Indian Opinion* and inmate of Phœnix Ashram. *Vide* Vol. IV, pp. 325-6, *Satyagraha in South Africa*, Ch. XXIII, XLVII and *Autobiography*, Part IV, Ch. XVI, XVIII, *et seq*.

I am certain that it is a short-sighted policy not to print Hindi. We are really not even using our capital. *Ramayana* is bound to sell, and, in my opinion, it will be a work of very considerable merit, for the simple reason that thousands of people who cannot possibly study the whole work will gladly avail themselves of the condensation. If, therefore, a good man is available, you should certainly not hesitate to incur the expense. The reasoning which tells you that, according to the expenses here, the book will be dear is faulty to a degree. It should be plain to us that, if the expenses are high, the prices charged are correspondingly high. The term *high*, therefore, is merely relative. The *Bhagavad-Gita*[1], which we would issue in India for one anna, we charge one shilling for, because the expenses were comparatively high. I am perfectly certain that whenever we think of having things done cheaply outside the country of our adoption, we bring into play the ordinary weakness, namely, to drive the hardest bargain possible, and it is for that reason that I have condemned in my mind the idea of having the South African book[2] printed in Bombay, and I feel this so keenly, that I have not yet summoned up sufficient zeal for writing out the book. I would ask you to reason this thing out for yourself. Never mind whether we employ an extra hand or not and whether we publish the book or not; that is a matter of detail. The first thing is to lay down the principle. If we cannot enforce it, or if we have not sufficient courage to do it, then we cease to worry about it, and cease to think of enlarging the scope of our work. If you need money, please let me know in time.

Yours sincerely

From a photostat of the typewritten office copy : S. N. 4674

65. *LETTER TO CHHAGANLAL GANDHI*

JOHANNESBURG,
July 11, 1907

MY DEAR CHHAGANLAL,

I enclose herewith Pragji Khandubhai Desai's letter. I suggest your taking him, if he is at all a desirable person, on probation at £3, and putting him on the Gujarati case, so that you can go on with *Ramayana*. We are certainly short-handed in the Gujarati department.

[1] The reference is to the edition with Mrs. Besant's English translation published in 1905. *Vide* Vol. IV, pp. 429-30.

[2] It was suggested that *Indian Opinion* should bring out a book on the hardships of Indians in South Africa; *vide* Vol. VI, p. 414.

However, I simply throw out the suggestion. It may be totally impracticable. You should, therefore, do what you think is best.

Yours sincerely,
MOHANDAS

[PS.]
Please let me know how you find Mr. Cordes[1] and other things.

From a photostat of the typewritten original signed in Gujarati with a Gujarati postscript in Gandhiji's hand : S. N. 4757

66. *MEASURE OF INDIAN STRENGTH*

Till now the strength of the Indian community has not been tested. It has remained a secret hidden in a closed fist, as it were, and no one has taken its measure. The prevailing idea is that Indians are cowardly and lacking in spirit.

But, by good fortune, the community's strength is now being tested in the Transvaal. This opportunity is given to us by Lord Elgin and General Botha and their friends. In this trial of strength the community has proved its superiority, up to the time of writing this, at any rate. The news-letters published by us show that Pretoria, which hitherto the whites had thought to be weak, has all of a sudden shown itself to be quite strong, not a single Indian there taking out the obnoxious permit. A Madrasi went to the Permit Office, but when he found that finger-prints were required, he threw away his application and said that he would not give his finger-prints on any account. The Madrasi Postmaster preferred to resign his post rather than take out the new permit. We hear that Mr. Chamney's Punjabi attendant flatly refused to take out the new permit. All this shows that the Indian people would not be found wanting when weighed in the balance.

Who can harm one whom God protects? The Indian people are religious-minded. They believe in God. He will easily bring success in any work we undertake with full faith in Him. It is said that, because of his faith in God, Narasinha Mehta[2] could fulfil his social obligation on the occasion of the first pregnancy of his daughter, though he had no money of his own.[3] With God's help, Prophet Mahomed came

[1] A German theosophist who was attached to Gandhiji and was for some time in charge of the school at Phoenix; he died at Sevagram in 1960.

[2] Saint-poet of Gujarat

[3] Presents are given by parents to their daughter at a religious ceremony during the seventh month of her first pregnancy. A legend has it that God came to the poet's help in the guise of a merchant.

through great hardships and subdued his opponents. The same Creator will help the Indian community.

The eyes of Indians everywhere are at present fixed on their countrymen in the Transvaal. They are all eager to know whether the community will succeed in the challenge that they have taken up. Pretoria's answer is that the Indian community shall never turn back.

[From Gujarati]
Indian Opinion, 13-7-1907

67. *DUTY OF DURBAN*

Is there any Indian who will not be thrilled with joy at Pretoria's performance and at the courage of Indian pickets there? It is easy to offer congratulations. But true congratulation consists in doing likewise. Durban should begin a boycott of the Permit Office like the one that is going on in the Transvaal. Even a single Indian now entering the Transvaal from Durban will be like a microbe getting into milk. This is a time when the Transvaal Indians ought to sacrifice all their worldly possessions. If any Indian is specially keen on going to the Transvaal, it will not be with a view to offering help, but only on personal business. Such Indians will demoralize others by going to the Transvaal, rather than add to their strength. Moreover, these Indians can enter the Transvaal only by going to the Durban Permit Office. That will mean a break-down of the boycott. But if no Indian at all goes to the Durban Permit Office for a permit, the Office cannot run. It is therefore essential that Durban Indians follow the example of Pretoria.

The Natal Indian Congress has intimated its offer of monetary aid to their brethren in the Transvaal. It held a mass meeting which has infused spirit into them. It has also taken up the question of raising contributions. This is certainly admirable. But in addition, it is necessary to take up the question of boycotting the Durban Permit Office. There are three ways of doing it. First, pickets should be posted at the Durban Office to prevent Indians from going there. Second, a watch should be kept on the Indians proceeding by train to the Transvaal, and if any such Indian is going there with a new permit, or with an old permit without at the same time being ready to go to gaol, he should be dissuaded from going further. Third, it should be seen that no Indian gives his finger-prints on board a steamer. By doing all this, Durban will have given very good help and brought our deliverance nearer.

[From Gujarati]
Indian Opinion, 13-7-1907

68. "THE WISDOM OF THE EAST" SERIES[1]

These books have been recently published in English. No one has translated them into Gujarati. But from time to time we shall give short summaries of such books. We have started giving the Life of the Prophet[2] with the same view. Meanwhile, those who know English can order the books referred to above.

EDITOR,
Indian Opinion

[From Gujarati]
Indian Opinion, 13-7-1907

69. SPEECH AT HAMIDIA ISLAMIC SOCIETY[3]

JOHANNESBURG,
July 14, 1907

Mr. Gandhi gave a brief resumé of the position of affairs to date, and once more exhorted his hearers to resist the inequitous provisions of the new law to the last, and under no circumstances to re-register under compulsion.

Indian Opinion, 20-7-1907

70. JOHANNESBURG LETTER

Monday, [July 15, 1907]

PRETORIA'S .HONOUR

Pretoria is still going strong. Its honour has been preserved, and it has come out unscathed through the second week. Mr. Cody, the Permit Officer, has had "a holiday" for another week, and the brave watchmen, i.e., the volunteers, have earned glory for themselves. The

[1] This was Gandhiji's reply to the following letter dated June 19 from M. H. Ugat, Norwood, referring to "*The Wisdom of the East*" (pp. 43-4): "In your issue of the 15th ultimo, you drew attention to books like *The Wisdom of the East, Jalaluddin Rumi, The Essence of the Koran, The Way of the Buddha* and *The Way of Zoroaster*, and advised people to buy them, which was a good thing. But our community being more or less familiar with Gujarati, I believe these books will sell to some extent if they are available in Gujarati. I hope you will give some information on the point."

[2] *Vide* "Prophet Mahomed and His Caliphs", pp. 55-6.

[3] Gandhiji spoke at a meeting of the Hamidia Islamic Society held in the Indian Location. This is a brief report of his speech.

whites have been taken aback and wonder what it all means. They ask whether Indians, who used to take insults lying down, will now stand up twirling their moustaches. Some English ladies inquired of Indian hawkers selling vegetables whether they would take out permits. The brave hawkers invariably gave an emphatic "no" in reply. If this spirit is maintained to the very end, Indian prestige will go up, and the new law will receive a knock-over. Everyone will agree that the credit for it should go to Pretoria Indians and the pickets.

White's Mischief

I hear that an agent of Mr. Stephen Frazer has been specially touring the country and telling things to Indians which might frighten them. To the Pietersburg Indians he held out the threat that, if the Indian community followed Mr. Gandhi's advice and refused to submit to the new law, it would be ruined and the property of the persons concerned confiscated by the Government. As the last date approaches, there will doubtless be more such frauds practised on us by hostile or selfish whites. I should point out that it is the duty of every Indian to give a smashing reply to such people. Indians do not have even time to listen to cowardly advice. To say that the Government will confiscate property is an utter lie. There is no authority under which it can do so. As for being ruined, we know that Mr. Hajee Habib has already written about it to *The Star*. He has made the point that, though we may be ruined, we shall have saved our honour and earned the reputation of being true to our pledge. The truth therefore is that we are opposing the law not because of Mr. Gandhi's advice, but because we mean to defend our manhood. If we have that, we shall create wealth out of nothing. If, on the contrary, we behave like women, though being men, we shall find it difficult to preserve what we have, and shall have no peace of mind to enjoy what we save. Richard III, a former king of England, came to the throne after killing his kinsmen. But he could not enjoy it in peace. He shook with fear whenever he held in his hand the sword stained with the blood of his kinsmen. In the end, he died a cruel and unnatural death. What Indian is there who will, out of greed, injure the interests of all, unmindful of the humiliation of his brethren? If there is any such person, he will but die like King Richard in anguish and remorse. I wish that the Indian community will, in this crisis, spurn such advisers with white faces and black hearts.

Two Other Whites

If Mr. Stephen Frazer's agent talked disgracefully as above, two other whites, who are respectable merchants carrying on a large business with Indians, speak reasonably and admit that, for the sake of its good

name, the Indian community ought to stand by its resolve to go to gaol and that, if all remain firm in it, they will undoubtedly succeed. Some might say that this "if" is a big thing. But the "if" is big only for a coward. The courageous will take others to be courageous too and they will only believe that the Indian community will fully keep its pledge on this occasion.

JOHANNESBURG MEETING

A very large meeting was held last Sunday in the hall of the Hamidia Islamic Society. The meeting was to begin at 2.30 p.m., but the hall was fully packed before that hour. Those who could not get in stood outside. Many had come from Germiston also. Haffejee Abdul Samad took the chair. After Mr. Fancy had read out the minutes, Mr. Gandhi explained the position about the obnoxious law. Then Mr. Ram Sundar Pundit from Germiston made an eloquent and impassioned speech. He said that at Germiston the people were in high spirits. Volunteers were also ready and Germiston would do exactly what Pretoria had done. In Pretoria volunteers had displayed fine patriotism. Mr. Emam Abdool Cadir said that no Asiatic whatever could submit to the law in question. He also described the fervour he had himself witnessed at the Pretoria meeting.

Mr. Nawab Khan said that no Indian, whatever his position, could accept the law. If the women of England were strong enough to go to gaol, would the men among the Indian people be scared by having to go to gaol or by having to suffer other losses? Mr. Abdur Rehman said that the Indian community at Potchefstroom was very firm. They had been told by Mr. Stephen Frazer's agent that goods would be supplied to them on credit only if they promised to submit to the law. To that Mr. Rehman had given the answer that the slavery of the law was unacceptable to Indians, even if a thousand Stephen Frazers should stop giving them goods on credit. He added that the Potchefstroom traders would put up with any amount of loss, but would not submit to the obnoxious law.

In a very forceful speech, Mr. Omarji quoted the Gujarati verse beginning, "O true one! Swerve not from the path of truth." Thereafter, Messrs Shahboodeen and Cama put some questions. The meeting then terminated. There was no one at the meeting who appeared to have the slightest intention of submitting to the law. Mr. Polak also addressed the meeting and praised the volunteers whom he had seen at Pretoria.

MEETING OF WAITERS

At the Ebenezer School, Mr. David Ernest had convened a meeting of the members of the Transvaal Football Association. About 50

waiters attended it. The meeting took place on Monday at 3.30 p.m. Mr. Gandhi explained the position about the law. Mr. Naidoo interpreted in Tamil. Finally Mr. Polak spoke. He told a story. Once upon a time there was an animal. It had this peculiar characteristic, that if its head was cut off, two would grow in its place. Thus, whenever its head was cut off, it would be left with double the number of heads. When people came to know of this, they stopped troubling the animal. The Indian community had to behave in a similar manner. There should be no waiting for anybody's leadership. It should be assumed that everyone was a leader. In the place of one Indian gaoled or deported, two should come out to take up leadership and brave the sentence of gaol or deportation. If this happened, the Government could not but be defeated. The waiters should realize that they were men first and servants next, and accordingly they must oppose the law firmly without being afraid of losing their employment.

Mr. David, who is a Government interpreter, said that he had given a flat refusal when the Government asked him to get himself registered.

Then, on Mr. Gandhi putting it to the meeting, everyone stood up and replied that he would not seek registration, even if that meant losing his job. The meeting terminated at 4.45 p.m.

Germiston Meeting

The Indians at Germiston are in high spirits. Pundit Ram Sundar Maharaj has placed himself at their head, working fearlessly, and exhorting the people. They held a special meeting and resolved that, no matter what risks awaited them, they would not submit to the law. More than 200 men signed the resolution, and some brave men came forward to serve as volunteers, as had happened at Pretoria.

Immigration Bill

The second reading of the Immigration Bill is over. Mr. Smuts clarified the aims of the Bill. Messrs Hosken, Lindsay, Wybergh[1], Neser and Whiteside participated in the discussion. Mr. Hosken, speaking on the Indian side, said that the new Bill would be appropriate only in Russia. The Bill contained some provisions which ought to have no place under British rule.

Association's Petition

The Association has submitted a petition[2] against this Bill. This has already been printed in our English section. Below is a summary of it :

[1] Commissioner of Mines for the Transvaal

[2] *Vide* "Petition to Transvaal Legislative Assembly", pp. 92-3.

Though this Association is not opposed to the principle of restricting immigration, it respectfully submits the following objections: (a) The Bill does not recognize any Indian language. (b) It does not protect the rights of those who have been residents of the Transvaal for a long time. For instance, many Indians had paid £3 to the Boer Government for the right of settling in the Transvaal. Some of them have not received permits. The rights of such persons would be annulled in case they did not know one of the European languages. (c) Under sub-section 4 of Section 2, even those Asiatics who may pass the educational test and are not otherwise prohibited are subjected to the operation of the new Asiatic law. No purpose is served by applying the law in this manner, as Indians of educational attainments do not require further identification. (d) Under the same section, moreover, the Indian community is bracketed with prostitutes and their touts. (e) Contrary to former assurances, this Bill confirms the provisions of the Asiatic Registration Act.

Parliament should remember that the Asiatic communities are not represented on it. It is therefore its special duty to pay attention to the petition of the community. The Association therefore prays and hopes that its petition will receive full consideration and relief will be granted.

The petition was presented by Mr. Hosken. The Bill will be examined by the Select Committee on Wednesday. I am writing this letter on Monday, and it will be known before this issue is published if any changes are made in it.

Will Newspapers be Available in Prison?

This question has been asked by a correspondent. The answer is that it all depends on the kind of gaol sentence given. If it is a sentence of rigorous imprisonment, no newspaper will be provided, but .every prisoner will be allowed to be visited by his friends once a month. I would advise such visitors to carry in their mind the information published in *Indian Opinion* and convey it to the prisoner himself in the gaol-palace.

Dismissed Unceremoniously

A few Indian friends at Pretoria thought that, if they placed some demands before the Colonial Government and if the demands were granted, they would be saved from the trouble of going to gaol. But God means to test us to the utmost. Hence, nothing came out of the demands. The following demands were placed before Mr. Smuts by these Indians:

(1) They should not be required to give ten digit-impressions.

(2) The mother's name should not be required.

(3) Registration should be required only in the case of grown-up children, the younger ones being spared the harassment.
(4) The Kaffir police should not have the power to examine [the permits].
(5) The distinction made between the Christians and the Muslims of Turkey should be dropped.
(6) The name of the Orange River Colony should continue to be mentioned in the permit.
(7) The determination of the age of a minor should not be left to the arbitrary decision of the Registrar, but should be left to the court.
(8) Temporary permits should be freely available for the entry of merchants' employees.
(9) An assurance should be given that this legislation is now final.

Mr. Smuts has sent a long reply. It is very ingenious. If we could be killed with sweet words, he would kill us. He says that the obligation to give one's mother's name will be withdrawn if all Indians get themselves registered. The Kaffir police will not ask for finger-prints (which means that they may ask for the permit). Whether this law will be the last of its kind or not depends on the Indian community itself. If the community carries out the provisions of the law faithfully, there will perhaps be, says Mr. Smuts, no further legislation.

Blood Boils

As I summarize this reply, my blood boils. What is meant by saying that there would be no further restrictions if we behaved well? After reducing us to a living death under the obnoxious law, could there be a fresh amendment in order to kick at the dead? It should be noted that on no single point has Mr. Smuts given up his obstinacy. For he does not say categorically that the mention of the mother's name will not be required. If all Indians agree to registration, it will be left to our discretion whether that sacred name should be mentioned or not. The Native police will not ask for the finger-prints, that is, they may certainly ask for permits. If we submitted to the new law, we would never be able to escape the music of "Your pass, please."

It Is also Good

But it is also good that we have been given such a stunning blow with a stick wrapped in silk. Now the Indian community will become still more determined. Just as the Regulations under a cruel law were bound to be cruel, the reply had also to be cruel. The cruel Regulations have inflamed the Indians. This cruel reply will make them inflexible. With God as our witness, we have pledged opposition to the law. With the same God as witness, let us prove our courage.

CORRECTION

I thank the correspondent who has pointed out that I made a mistake in giving the name of the volunteer who was awarded a shawl by Mr. Essop Mia. It was to Gulam Mahomed that the shawl was awarded. I apologize to Mr. Gulam Mahomed for the mistake.

TRANSVAAL IMMIGRATION BILL[1]

The Immigration Restriction Bill passed the second reading in the Committee. And on Thursday it passed the third reading.

[From Gujarati]

Indian Opinion, 20-7-1907

71. LETTER TO COLONIAL SECRETARY

25 & 26, COURT CHAMBERS,
RISSIK STREET,
JOHANNESBURG,
[*July 16, 1907*][2]

TO
THE HON'BLE THE COLONIAL SECRETARY
PRETORIA

SIR,

I am desired by the Committee of my Association to draw the attention of the Government to the petition[3] of the Association submitted to the Hon'ble the Legislative [Assembly on the subject of the][4] Immigration Restriction Bill. The points raised therein are, in the humble opinion of my Association, of the utmost importance to the community represented by my Association. If relief were granted as prayed, my Association ventures to think that the principle of the Bill would still remain intact.

My Association fails to see any reason for requiring well-educated Indians to comply with the Registration Act, and it seems a very serious injustice to deprive British Indians, who have paid £3 for the purpose of settling in the Transvaal, but who have not received permits under the Peace Preservation Ordinance, of the right of returning to the country of their adoption.

[1] This was sent by "special telegram".

[2] The letter as published in *Indian Opinion* is undated, but official records in the archives of the Transvaal Legislative Assembly point to this date.

[3] *Vide* "Petition to Transvaal Legislative Assembly", pp. 92-3.

[4] The words in square brackets are missing in the original.

My Association, therefore, trusts that the Government will be pleased to give a favourable consideration to the prayer of my Association.

I have, etc.,
MOOSA ISMAIL MIA
ACTING CHAIRMAN,
BRITISH INDIAN ASSOCIATION

Indian Opinion, 20-7-1907

72. A GROSS LIBEL

Further correspondence on the Asiatic Act of the Transvaal, placed on the Table at the instance of Lord Ampthill, has now come to hand. Lord Selborne, in pressing the measure on the attention of Lord Elgin, allowed himself to make the following remarks:

> I hope that it may be possible for you to inform me at an early date that His Majesty will not be advised to exercise his power of disallowance in respect of this Act, so that it may be possible to bring it into force at once, and so *to check the illicit unauthorized influx of Asiatics into the Transvaal which is at present proceeding at an alarming rate.*

The italics are ours.

We have no hesitation in saying that the emphatic pronouncement made by Lord Selborne as to the illicit influx is a libel, pure and simple. Here there is no qualification. His Lordship has accepted the statements placed before him as to the unauthorized influx of Asiatics without any reservation whatsoever, and yet these statements could only have been one-sided. Indians have denied any such influx and they have challenged investigation.[1] None has been made; still, Lord Selborne has seen fit, in spite of the tremendous responsibility resting on his shoulders, to give the imprimatur of his authority to an unproved charge.

This charge is inherently untrue. If such an influx has been proceeding demonstrably, why have the entrants been allowed to remain in the Colony? Either His Lordship's informants knew of the men who had so entered, or they did not. If they knew, the Peace Preservation Ordinance supplied all the machinery necessary to bring them to justice. Lord Selborne's libel, therefore, shows how difficult, if not impossible, it is for Asiatics to get even a fair hearing in South Africa, except in courts of justice. In a matter such as this the courts are not open to them, so they have to sit still, and grin and bear their troubles as best they may.

When we come to examine Lord Elgin's reply, it is sufficient to fill British Indians with dismay. The Secretary of State for the Colonies

[1] *Vide* Vol. V, pp. 407, 423, Vol. VI, pp. 1, 3, 5 and 48.

has sanctioned the measure, not because he believes it to be just, but because there is behind it the weight of white authority. So it comes to this, that any Act of a Colonial Parliament, if it is unanimous, will bind the Imperial Government, irrespective of the merits of that Act, and if this proposition be unimpeachable, Lord Elgin's statement, that "His Majesty's Government adhere to the opinion as to the desirability of recasting the restrictions to which Asiatics are at present subject", is a pious wish by which British Indians cannot set much store. It may never fructify, whilst the Act stands before Asiatics in the Transvaal as a stern reality, to fight against which they have staked their all. General Botha's promises to revise the Regulations do not affect Indians very much, but incidentally it may be remarked, as a symptom of the very strong prejudice permeating the local Government, that the General has not been able to fulfil those promises. Indian sentiment counts for little in the deliberations of the Colonial Government.

Indian Opinion, 20-7-1907

73. THE TRANSVAAL IMMIGRATION BILL DEBATE

The debate that took place on the second reading of the Immigration Restriction Bill in the Transvaal Assembly is in many respects an eye-opener. Mr. Smuts introduced the Bill to the House in a most summary manner. Points that affect British Indians were hardly touched by the Honourable Gentleman. He did not even consider them sufficiently interesting for the members of the public. He took it as a settled fact that the Asiatic Registration Act should be a permanent feature of the Transvaal laws, and that, contrary to what Mr. Duncan said[1] at the time of introducing that measure, the Immigration Bill is not to supersede it but to supplement it in its harshness, so far as the Asiatic communities are concerned. He did not trouble to inform the Members that Law 3 of 1885, which guaranteed residential protection to Asiatics who paid £3 to the Boer Government, is to be overridden by the Bill, and he saw nothing untoward in the clause which makes an Asiatic a prohibited immigrant if, in spite of the possession by him of high educational attainments, he fails, on entering the Colony, to undergo the ordeal prescribed by the Asiatic Registration Act.

In reply to Mr. Neser's gentle suggestion that the clause in the Bill giving extraordinary powers to the Government to eject, at his own expense, any person from the Colony, without a trial, was rather a dangerous thing, Mr. Wybergh showed the greatest resentment.

[1] *Vide* Vol. VI, p. 146. Patrick Duncan was Colonial Secretary from 1903 to 1906.

The latter's remarks, however, we can only characterize as foolishness due to self-forgetfulness. In any other person, it would be grossest impertinence. In discussing the clause and in asking the Government to hold on to it, he cited recent events in India. We do not wish to enter into the merits of the controversy, but we do expect a responsible politician like Mr. Wybergh not to speak from his seat in the Legislative Assembly to the South African public in a most irresponsible manner. Unless he has made Indian questions a special study, it is evident that he can only know what the cabled summaries of events have let the world know, and unless he believes in the inherent infallibility of all governments, he had no right to consider that the action of the authorities in deporting Indian leaders was either in itself good or that it had produced a sobering effect. We may, perhaps, claim to know a little more than the Honourable Member, and yet, not being in close touch with what is happening in that part of the British Empire, we have deemed it wise not to comment.

To add to the folly, Mr. Wybergh went on to deduce from the events in India that the powers given by the clause might be useful for sending out Indian inciters to passive resistance in the Transvaal. Herein he betrayed a lack of all perspective. Happenings in India have received the colour of an insurrection, and they have been interpreted to mean a revolt against the British Raj. The crusade of the Indians in the Transvaal has not the slightest resemblance to an insurrectionary movement. It simply means an offer on the part of the community to suffer much physical hardship rather than allow its moral sense to be atrophied. It is, on the part of Indians in the Transvaal, an endeavour to follow the precept of the Prophet of Nazareth, "Resist not Evil".

Of course, it matters not in the slightest degree that Mr. Wybergh should incite the House against British Indians. They are not likely to be turned away from their duty by any threats. They have anticipated the worst. Theirs is courage born of purity of motive and resolution not to tarnish their honour. We deal with Mr. Wybergh's remarks only because we believe him to be a sincere, though misguided, man, and to illustrate how an atmosphere of prejudice can taint even a well-balanced mind. Of all the members of the Assembly, Mr. Hosken was the only one who strongly disapproved of the vindictive spirit that underlay Mr. Wybergh's speech. Mr. Hosken had no hesitation in saying that the Bill was possible only in Russian or German territories, not on British soil. Little does Mr. Wybergh know how arbitrary powers undertaken to repress a certain class of people recoil on those who are not even dreamt of. But we hope that in his calmer moments he has repented of his indiscretion.

Indian Opinion, 20-7-1907

74. INDENTURED IMMIGRATION

We are enabled this week to publish an important communication addressed by the Secretary of the Indian Immigration Trust Board to the employers of indentured Indians, giving information as to the cost of the introduction of such labour into Natal. The document is well worth the perusal of Messrs Evans and Robinson[1], who, after mature consideration, have come to the conclusion that indentured immigration into Natal should cease. Knowing, as we do, Mr. Haggar, we cannot mention him in the same category. Although we happen to agree with him in the attempt to end indentured Indian immigration, our motives are not the same, and the Indian community can have very little to do with a member who does not hesitate to libel it, and, when challenged to prove his statements, has not the manliness either to do so or to apologize. Mr. Rycroft's letter is, from the European standpoint, almost a complete justification for stopping the labour. It is evident that the employers are scarcely able to cope with the expenses of introduction. Compulsory repatriation would for them be much worse, even if the Indian Government, surrendering its guardianship, were to agree to any such condition. It appears that, in 1905, whereas the employers contributed only £20 towards the cost of introduction, the actual cost was £31.10.9 per male adult, and, as more and more Indians avail themselves of the free passage back to India, owing to the burden of the £3 tax, the cost will be on the increase. It would thus appear that the sooner, from a purely economic standpoint, indentured labour is stopped, the better it will be for all parties.

Indian Opinion, 20-7-1907

75. GENERAL SMUTS OBDURATE

Indians in Pretoria gave another opportunity to the Government to withdraw from the false position in which it has placed itself by reason of the Asiatic Registration Act. The correspondence is lengthy and, unfortunately, we are unable to find space for it in this issue. The attorneys for the Indians in question made very reasonable suggestions as to the most obnoxious clauses of the Registration Act. The Colonial Secretary has returned a categorical refusal to almost every one of the requests. We frankly confess that the Government could not have done otherwise.

[1] Barristers

In our opinion, it had a right to interpret the letter to mean that Indians were not strong enough to carry out the jail resolution. The eminently reasonable letter, therefore, has been evidently misread by the Government. It has passed regulations in keeping with the Act itself, and its reply to the Indian petitioners of Pretoria simply follows out that policy. The correspondence will have done some good in that it will have strengthened the Indian community in its resolve to undergo the sufferings consequent upon non-submission to compulsory registration.

Indian Opinion, 20-7-1907

76. *S.A.B.I. COMMITTEE'S WORK*

The South Africa British Indian Committee is still working very hard. The questions put in Parliament a few days ago by Sir William Bull and Dr. Rutherford show that no adverse effect has followed the Indian community's rejection of the Committee's advice not to oppose the Transvaal law. The Committee carries on its work and that is as it should be. The Indian community is not bound to accept every piece of advice the Committee offers. The members of the Committee are large-hearted men, and they are going on with their work.

Sir Muncherji Bhownaggree is such a cautious and far-sighted gentleman that, with him as President, the Committee is not likely to give up the Indian cause. Moreover, Mr. Ritch, as his letter to Lord Ampthill shows, does not hesitate to put correctly the Indian standpoint before the Committee.

Delagoa Bay

From Sir William Bull's questions, the Delagoa Bay Indians will see that their case is also not forgotten. Acting upon Mr. Kothari's letter in *Indian Opinion*, Sir William Bull immediately complained about the hardships suffered by the Indians there. We should mention in this connection that the Committee has received no contributions from the Delagoa Bay Indians. We think they ought to contribute to the Committee's expenditure though they do not suffer much hardship at present.

Rhodesia

Like Delagoa Bay, Rhodesia too has not been forgotten. Our readers may recall that it was about the same time that we had published the Rhodesian Council's views on the question of Indians. Mr. Ritch made use of the information as soon as it reached England, and it is not likely now that very rigorous laws will be passed in Rhodesia. On reflection, everyone will have to admit that the honour of the Indians in both places, whether in Rhodesia or Delagoa Bay, depends really upon the

struggle of the Transvaal Indians. It is they alone who will, if at all, save the honour of Indians. Failing that, neither the Committee nor any one else will be in a position to help.

[From Gujarati]

Indian Opinion, 20-7-1907

77. LOBITO BAY

Our correspondent had reported that the condition of Indians in Lobito Bay was very bad. Hence we made inquiries through the agent of Messrs Griffith. He has replied as follows:

> The report utterly without foundation. Medical attendance ample. Field Hospital fully equipped. Doctor specially appointed to attend coolies. If you think it advisable communicate with Natal Government ask them to send Inspector satisfy themselves. Reports utterly without foundation. Coolies are satisfied. Water supply good, plenty food.

This report is at variance with the report of our correspondent. Our correspondent is a very exact and disinterested person. Hence his report is not to be set aside. Putting the two reports together we conclude that, when the labourers reached there, they were put to much hardship. This news reached our correspondent. Now their condition is not as bad as it had been. The labourers must be reasonably happy. Even then, it is obvious that it is not worth while just now for any Indian to take the risk of going there. There is no doubt that there is much hardship before one reaches Benguella. Even after reaching there, a free man will not be able to take up any profession there in the present condition.

[From Gujarati]

Indian Opinion, 20-7-1907

78. NATAL BILL REGARDING LICENCES AND STAMPS

The Natal *Government Gazette* of July 12 publishes a Bill introducing certain changes in the matter of revenue licences. Below we give its main provisions:

(1) The Trading Act of 1897 will henceforth apply to Kaffir eating-houses.

(2) A hawking licence issued for one magisterial district shall not be valid in another district.

(3) No hawker shall remain at a single farm for more than 12 hours or return to it during the following four days.

(4) An extra stamp of the value of 10 per cent. of the municipal licence fee shall be affixed to the licence. The said 10 per cent. will be paid by the licensee and go to the Government.

(5) The agents of a foreign firm will be required to take out a licence. An auctioneer selling foreign goods by auction will also have to take out a licence.

(6) At the time of taking out a trading licence, anyone possessing an agency is bound to disclose the fact to the Licensing Officer.

(7) Rent receipts will be issued to Natives or to Indians from a special book numbered and with counterfoils bearing embossed stamps. It will not do to affix stamps.

This Bill has not yet become law, but it may be taken for granted that it will be passed. Some changes may be made in it, but they will be of a minor character. The Bill is applicable to all. It is therefore difficult to oppose it. The idea behind the Bill is to raise money from every possible source at a time when the Colony is facing financial stringency. An angry potter twists the ear of his donkey.[1] Likewise the Government, being in need of money, has started harassing poor people like the hawkers. In short, the whole of South Africa is now impoverished. Every Government is therefore hunting for money in all directions. We do not reproduce here the different rates. If the Bill is passed, we shall also give, if necessary, the rates for licences. Of all the above clauses, the one regarding rent receipts is terrible. It ought to be resisted.

[From Gujarati]

Indian Opinion, 20-7-1907

79. *INDENTURED INDIAN LABOURERS*

The Secretary of the Indian Immigration Trust Board, Mr. Rycroft, has addressed a letter to the employers of indentured Indian labourers, which we publish in full in our English section. It will be seen from that letter that the employers find the cost of importing indentured Indian labourers too heavy to bear, and if the Indian labourers are to be repatriated on the expiry of the period of contract, the expenditure will be very much heavier still. From this Mr. Rycroft concludes that legislation for the compulsory repatriation of labourers will mean heavy losses for employers.

Because of this the employers of indentured labourers are on the horns of a dilemma. If they let the labourers return, their backs will be broken. If they keep them, and afterwards there is legislation for their repatriation to India, they will be involved in much too heavy an expenditure. It is a problem as to what should be done in this difficult situation. The Indian labourers are not likely to gain anything from this

[1] A Gujarati proverb

controversy. Neither those who hold that there should be no further importation of indentured labourers, nor those who hold that it should continue, have any concern for the interests of Indians. If Indian labourers accept still lower wages, no one will protest, even if the labourers are to be repatriated on the expiry of the period of contract. Both sides will be happy. There is only one thing which can be of benefit to the Indian community, that is, the recruitment of indentured labourers should cease altogether. If any labourers come, they can gain nothing in conditions of slavery and circumstances will not permit them to live as free men. We are happy to observe that the whole Indian community takes offence at the hardships inflicted on the indentured labourers. This is a sign of our awakening. If we take a step forward and can have their importation ended, the enslavement of Indians will cease and those Indians who are already in South Africa will have some relief.

[From Gujarati]
Indian Opinion, 20-7-1907

80. SPEECH AT NATAL INDIAN CONGRESS[1]

DURBAN,
July 20, 1907

Of all the struggles during the last 13 years, the present is the most critical. Therefore its consequences are bound to be equally momentous. The effect of the law will be felt uniformly throughout South Africa. Not only are Rhodesia and German [East] Africa affected by it, but even in India it cannot but have a bad effect. Natal Indians have special reason to be concerned. (At this point a few examples similar to those in *Indian Opinion* of May 18 and July 6 were given.) Indian servants are all right, but we do not want free Indians—that is what the whites say. Again, genuine cases are lumped together with bogus ones. I can recall the case of a poor man, Mr. Hasam from Porbunder. Being deprived of his ancestral land worth about Rs. 100, he came to me in Bombay. I advised him not to risk Rs. 500 in an attempt to get back land worth only Rs.100. "It is my ancestral land," he replied. "I shall recover it at any cost. I shall never allow the title-deed to be nullified." But, in the Transvaal, the title-deed refers to our person. The Government wants to snatch away the one that we have and to give another instead, just as it likes. Moreover, while issuing the document it asks the Indian for the names of his mother, father,

[1] A general meeting of the Natal Indian Congress was held on Saturday, with Dawad Mahomed in the chair. Gandhiji spoke on the implications of the Asiatic Act.

wife and others as we saw in the play[1] and demands impressions, first, of ten fingers and then of eight fingers. After getting these, it says that it will issue the documents if and as it likes. Who will submit to such slavery? A man who earns £3 or £4 can make his living anywhere with the slightest effort. Why would he, for this pittance, invite disgrace by remaining in the Transvaal? Again, a man earning £400 loves his honour more than money. The rich and the poor may perhaps, by shutting their ears, suffer themselves to be insulted, but they will not tolerate the harassment of their eight- and ten-year-old children. The Boers are a brave people and we may not be able to oppose them. But we can resist if they ask us to submit to unjust orders and become slaves. We are looked upon as bad cowries. The present is an occasion to prove ourselves to be good cowries. If we pass the test, Indians in all parts of the world will reap the benefit. Today India gets the kind of justice that the cats got from the monkey in the well-known fable. The Government succeeds by setting the two cats—Hindus and Muslims — against each other. Here it is not so. Both the communities here are united, hence our courage will bear fruit. After considering all these points, I advised gaol-going at the mass meeting in September.[2] All those present raised their hands and took a solemn oath, with God as witness, to go to gaol. What has happened since then is known to all. If we do not keep our pledge now, we shall be false to God. Moreover, new laws will be passed one after another. We shall be called cowards. We shall then be left only to live a dog's life. Once a white woman asked me, "What does the hawker, who is used to being kicked, know about honour or dishonour?" "Once he sees that it is humiliating," I replied, "he will not get himself registered, even if he has to face death." To assure herself of this, she used to ask the hawkers going to her door if they would take out new registers. She always got a negative reply. Now she has come to realize that Indians have become courageous. And so she says that, when they go to gaol, she would keep inquiring about their health and bring them whatever relief she could. Mr. Hosken says that if all Indians go to gaol, the Government dare not raise a finger against them. We should realize from this that, if we stand by our pledge, bright days are in store for us. Since we have the reputation today of being noisy but ineffective grumblers, our petition against the Immigration Act has been consigned to the waste-paper basket. The reason why I place all these things before you is that you may take a lesson from this example and be prepared. You [in Natal] and we [in the Transvaal] are one and it will be nothing remarkable if you join us in our sufferings. It is not enough that you help

[1] A farce staged in the Victoria Indian Theatre, Durban, on July 13, 1907
[2] *Vide* Vol. V, pp. 419-22.

us by talking, that is, by passing resolutions and writing letters. It will be the most valuable help if you give what I have come to beg of you. When all Indians in the Transvaal are prepared to suffer any loss in the struggle, you should not lag behind in giving monetary help. In giving such help, you will not be doing anything really big; you will only be doing your duty. You will have to maintain those that are left behind, if a large number of people go to gaol. You should therefore make the necessary arrangement to meet the difficult situation. I am sure that you will help.

[From Gujarati]

Indian Opinion, 27-7-1907

81. PETITION TO TRANSVAAL LEGISLATIVE COUNCIL[1]

JOHANNESBURG,
July 22, 1907

THE HON'BLE THE PRESIDENT AND THE MEMBERS OF
THE HON'BLE THE LEGISLATIVE COUNCIL OF THE TRANSVAAL

THE PETITION OF ESSOP ISMAIL MIA, IN HIS CAPACITY AS ACTING CHAIRMAN OF THE BRITISH INDIAN ASSOCIATION OF THE TRANSVAAL

HUMBLY SHEWETH THAT:

1. Your petitioner is the Acting Chairman of the British Indian Association of the Transvaal.

2. The Association abovenamed respectfully approaches this Hon'ble House with regard to the Bill to place restrictions on immigration into this Colony to provide for the removal therefrom of prohibited immigrants and other persons and to establish and maintain an "Immigration Department" now or shortly to be before this Hon'ble House for consideration.

3. While the petitioning Association endorses the principle of restricting immigration, it respectfully draws the attention of this Hon'ble House to the following:

(a) The Bill perpetuates the Asiatic Law Amendment Act.

(b) It does not recognise any of the great Indian languages.

(c) It sets aside the rights of those British Indians who, before the late war, paid £3 for the right of settling in the Transvaal, and who, being refugees, have not received permits under the Peace Preservation Ordinance.

[1] A copy of this was forwarded by L. W. Ritch to the Under-Secretary of State for the Colonies on August 14. It was also appended to the "Petition to Secretary of State for Colonies", pp. 180-5.

(d) By Sub-Clause D of Clause 2 thereof, it subjects even those Indians, who may pass the educational test and are not otherwise prohibited, to the operation of the Asiatic Law Amendment Act. (It is respectfully submitted that Indians of educational attainments do not require further identification.)

4. The petitioning Association humbly submits that the objections above enumerated are worthy of consideration by this Hon'ble House.

5. The petitioning Association respectfully reminds this Hon'ble House of its special function to protect the interests of those communities which are not represented in the Parliament of this Colony, and the petitioning Association represents such a community.

6. The petitioning Association therefore respectfully prays that this Hon'ble House will grant such relief as to it may appear fit; and for this act, etc., etc.

[*I have, etc.,*
ESSOP ISMAIL MIA]
ACTING CHAIRMAN,
BRITISH INDIAN ASSOCIATION

Colonial Office Records: C. O. 291/122

82. PETITION TO NATAL LEGISLATIVE ASSEMBLY

DURBAN,
July 25, 1907

TO
THE HON'BLE THE SPEAKER AND THE MEMBERS OF
THE LEGISLATIVE ASSEMBLY OF THE COLONY OF NATAL
PIETERMARITZBURG

THE PETITION OF THE CHAIRMAN AND JOINT SECRETARIES
REPRESENTING THE NATAL INDIAN CONGRESS

HUMBLY SHEWETH THAT:

1. Your Petitioners represent the Natal Indian Congress in their capacities as Chairman and Joint Secretaries of that body.

2. Your Petitioners have read the Bill to impose a tax in respect of land, published in the *Government Gazette* dated June 25 last.

3. Your Petitioners approach this Hon'ble House in connection with it, and protest against the distinction sought to be drawn, in the measure, between European and Indian tenants, so far as the rate of taxation is concerned.

4. In the humble opinion of your Petitioners, the distinction sought to be drawn imposes an unnecessary hardship on British Indians, in addition to putting upon them an affront by reason of drawing a racial distinction.

5. Your Petitioners, therefore, humbly pray that this Hon'ble House will so amend the measure as to remove the hardship above complained of; and for this act of justice and mercy, your Petitioners, as in duty bound, for ever pray, etc.

DAWAD MAHOMED
DADA OSMAN
M. C. ANGLIA

Natal Archives, Pietermaritzburg: Votes and Proceedings of the Legislative Assembly, 1907

83. POSTER FOR PERMIT OFFICE BOYCOTT[1]

[PRETORIA,
Before *July 26, 1907*]

BOYCOTT, BOYCOTT PERMIT OFFICE! BY GOING TO GAOL WE DO NOT RESIST, BUT SUFFER FOR OUR COMMON GOOD AND SELF-RESPECT. LOYALTY TO THE KING DEMANDS LOYALTY TO THE KING OF KINGS.

INDIANS BE FREE!

Indian Opinion, 27-7-1907

84. STRUGGLE IN PRETORIA[2]

JOHANNESBURG,
2 p. m., Friday,
[*July 26, 1907*]

The latest available news shows that not a single application for registration has been made so far at the Permit Office; it is rumoured, however, that the Permit authorities have started receiving applications at night in a private building.

A meeting of Indians was called on Thursday afternoon. It was stated there that, though every effort would be made lawfully to induce people not to submit to the Act, everyone was free to do as he liked. It is a disgraceful thing for people to give applications at night in a private building, and for the authorities to behave in such a manner. Those present at the meeting were firm on the question of going to gaol, and are working most enthusiastically.

[1] Posters bearing this message appeared in Pretoria during the Passive Resistance campaign. The Government had them removed from prominent places and made inquiries as to their authorship. Gandhiji accepted responsibility for them. *Vide* the following item.

[2] This was published under the title "Latest News by Special Telegram".

The Government has removed from prominent places in the town the posters[1] advocating boycott. Much amusement was caused by the poster on the door of the Permit Office. On the Government inquiring into the authorship of the notice, Mr. Gandhi took upon himself full responsibility for it.

There will be a mass meeting on the 31st. All business is to stop. Notices are being issued. A strong committee has been set up for the purpose. The stores are not to be closed for four days, as announced earlier. As the time-limit for registration is nearing its end, tension is mounting every moment. It is likely that interesting developments may take place before the end of the month.

Piles of telegrams have been received from our sympathetic friends at Durban, offering encouragement and assistance.

[From Gujarati]

Indian Opinion, 27-7-1907

85. "STAGGERING HUMANITY"

The late President Kruger[2] is said to have "staggered humanity" by engaging in an unequal struggle with a mighty empire. It is in his late country—though now nominally British—that history is to repeat itself through Indians in the Transvaal. But the parallel is not exact. The late President fought in a bloody war. Indians in the Transvaal will stagger humanity without shedding a drop of blood. Indians are about to do more, if we may say so without disrespect, than the late President did. For the sake of their honour—a mere sentiment, as some say—they are preparing to sacrifice their all. Theirs, indeed, will be the widow's mite.

Many friends tell them that the local Government are determined to enforce the Asiatic Act at all cost and that they are likely to have their worst fears realised. The Indians retort that they are prepared for the eventuality. Send them to prison? They are ready. Deport them forcibly? They are ready also. Anything, even death, would be better than that they should labour under the ban of criminality and that they should be traitors to their God.

It may be that they are misguided and that theirs is not intrinsically a right cause. If so, they again appeal to the parallel cited by us and reply that, although many consider that the late President Kruger was ill-advised in hurling defiance at the British Government, everybody admires him for the courage of his convictions. It is enough that he fought for a cause he considered to be just. But the President fought

[1] *Vide* the preceding item.

[2] (1825-1904), President of the Transvaal, 1883-1900

under the inspiration of the Old Testament and after the pattern of the heroes of that venerable book. Indians who migrated to this country in search of an honest livelihood, and who find themselves face to face with civic and social extinction, are fighting under the inspiration of the New Testament. Gentle Jesus, the greatest passive resister the world has seen, is their pattern. What matters it to them if the rulers of the Transvaal reject their advances, if their overlord King Edward declare himself, like Mahomed of Ghazni[1], to be unable to protect them. Was not Jesus rejected and yet did He not resist the blasphemy that His persecutors would have Him utter on pain of suffering what was, in their estimation, an inglorious death, side by side with thieves and robbers? But the crown of thorns today sits better on that bleeding head than a crown bedecked with diamonds of the purest water on any sovereign. He died indeed, yet He lives in the memory of all true sons of God, and with Him live also the thieves who accepted the humble Nazarene and His teaching.

So, too, will Indians of the Transvaal, if they remain true to their God, live in the memory of their children and their countrymen who will be able to say, after they have left this transient world, 'Our forefathers did not betray us for a mess of pottage.'

Indian Opinion, 27-7-1907

86. *MR. PARSEE RUSTOMJEE'S GENEROSITY*

Mr. Rustomjee[2], whose name has become a household word among Indians in South Africa, has written to us a characteristic letter in Gujarati of which we give the following rendering :

> Although I have often publicly expressed my sentiments regarding the position of our countrymen in the Transvaal, you will, perhaps, allow me to voice them through your columns. Every Indian in South Africa will partake of the result of the struggle in which Indians in the Transvaal are engaged. We who are outside that country cannot possibly take any share in their physical sufferings. They will not only undergo the hardships of prison life but many of them will also have to lose all they have. If we cannot go to gaol, we can at least follow their noble example in sacrificing our possessions for the common good. I, therefore, with all humility and in the name of God, hereby inform my fellow-countrymen in the Transvaal, as an earnest of my intense desire to share their sorrows, that henceforth everything I

[1] Invaded India 17 times since his succession to the throne of Ghazni in 997 A.D., but could not consolidate his victories; *vide* Vol. III, p. 364.

[2] Leading Indian merchant of Natal; *vide* Vol. I, p. 385.

possess in this world is held by me in trust for my countrymen in the Transvaal until the struggle is over. I have no doubt that many of my friends in South Africa are prepared as a matter of duty to render similar pecuniary help to the Transvaal Indians. Pretoria has, indeed, filled our hearts with hope. Let us trust that our countrymen there, as also in other parts of the Transvaal, will carry out their resolution to the end.

This letter speaks for itself. We only add by way of comment that those who know Mr. Rustomjee know what very substantial help this promise means. It is a letter which should fill every Indian with fresh courage and hope.

Indian Opinion, 27-7-1907

87. DEATH OF MR. ADAMJEE MIANKHAN[1]

Mr. Adamjee Miankhan of the firm of G. H. Miankhan & Co., Durban, and Vice-President of the Natal Indian Congress, died at Ahmedabad, India, on the 20th instant, at the comparatively early age of 41. Mr. Adamjee went on a visit to India in February last, and his brother in Durban has been receiving regular letters, but no serious illness was complained of. Mr. Adamjee has rendered very great service to the Indian community in Natal, and his able and willing help in all matters relating to their welfare will be much missed. Born of a well-known family of lace merchants in the capital of Gujarat, Mr. Adamjee Miankhan, with his father and his brother, Mr. Goolam Hoosen, migrated, when he was yet 18, to South Africa, in the year 1884. His knowledge of the English language was of the greatest service to him in making his mark as well among Indians as among his many European friends. It was not, however, before 1896 that he became intimately connected with Indian public affairs. On the temporary withdrawal of the then Secretary of the Congress, Mr. Adamjee, on account of his work and sterling qualities, was unanimously elected by the Congress to act as Honorary Secretary. During his tenure of office, he was ably supported by Mr. Abdul Karim Hajee Adam Jhaveri. Mr. Adamjee turned the credit balance of the Congress from £100 into that of £1,100, and during the latter part of 1896 and the beginning of 1897, when the now famous anti-Indian demonstration took place in Durban, Mr. Adamjee, by his patience, calmness and perseverance, was instrumental in confronting the serious difficulties of the community.

Indian Opinion, 27-7-1907

[1] *Vide* also the following item.

88. *SAD DEATH OF ADAMJEE MIANKHAN*

Inscrutable are the ways of God. It is only five months since our well-known leader, Mr. Adamjee Miankhan, returned home to India. And now comes the news of his sudden death on the 23rd[1] at Ahmedabad after an illness of 20 days which caused him bed-sores. Those who have heard of him and of his work in Natal and other parts of South Africa, cannot but feel grieved at this sad news. Gradually the time is coming in South Africa when patriotic workers will be needed in still larger numbers. At such a time it is difficult to fill the gap created by the premature death of an able and conscientious leader like Mr. Adamjee Miankhan. His patriotism and other valuable qualities of character are well known. Traits of character such as intelligence, patience, quickness of grasp, and readiness for self-sacrifice, which he showed as Acting Secretary of the Congress and during his subsequent public career, deserve emulation. His popularity was evident on the occasion of the farewell party at the time of his departure. Even in India it was his intention to conduct a campaign against the hardships [of Indians] in South Africa. It is but natural that the death of such a benevolent gentleman at the early age of 41 should cause grief. We offer our condolences to the family of the departed, and urge his admirers to emulate his great virtues.

[From Gujarati]

Indian Opinion, 27-7-1907

89. *DIVINE LAW*

The time to test the strength of the obnoxious law is approaching. All Indians will be anxiously watching what the Government does on August 1. To speak the truth, however, we should wait with courage, not with anxiety. Any pain we suffer in order to save ourselves from the obnoxious law must be counted as pleasure. Every Indian should pray, "Let me be the first to go to gaol, so that my brothers are spared the pain."

We have already examined the various reasons why we ought not to submit to the obnoxious law. It should be noted that in defying this murderous law we obey the divine law. To submit to the unjust law will be a sin. Likewise, it will be a sin to violate the divine law. He

[1] This is at variance with the preceding item which has "20th".

who abides by the divine law will win bliss in this world, as also in the next. What is this divine law? It is that one has to suffer pain before enjoying pleasure and that one's true self-interest consists in the good of all, which means that we should die—suffer—for others. Let us take a few examples.

When a lump of earth is broken into dust, it mixes with water and nourishes plant life. It is by sacrificing themselves that plants sustain every kind of animal life. Animals sacrifice themselves for the good of their progeny. The mother suffers unbearable pain at the time of child-birth, but feels only happy in that suffering. Both the mother and the father undergo hardships in bringing up their children. Wherever communities and nations exist, individual members of those communities or nations have endured hardships for the common good. In the sixth century B. C., Lord Buddha, after wandering from forest to forest, braving the extremes of heat and cold and suffering many privations, attained self-realization and spread ideas of spiritual welfare among the people. Nineteen hundred years ago, Jesus Christ, according to the Christian belief, dedicated his life to the people and suffered many insults and hardships. The prophet Mahomed suffered much. People had prepared themselves for an attack on his life. He paid no heed to it. These great and holy men obeyed the law stated above and brought happiness to mankind. They did not think of their personal interest but found their own happiness in the happiness of others.

The same thing happens in political matters too. Hampden, Tyler, Cromwell and other Englishmen were prepared to sacrifice their all for the people and did not feel concerned at being robbed of all their possessions. Nor did they feel anxious when their lives were in danger. That is why the British people today rule over a large empire. The rulers of the Transvaal enjoy power because they suffered great hardships before our very eyes. Mazzini suffered banishment for the sake of his country. Today he is being revered. He is regarded as the father of Italian unity. By suffering endless hardships, George Washington made America what it is today. This again shows that one must pass through suffering before tasting happiness. For public good, men have to suffer hardships even to the point of death.

Let us go further. It is a sin to violate one's pledge—to betray manhood with which we are endowed. To save himself from the sin of incest, Yusoof Abesalam suffered gaol. Imam Hasan[1] and Hussein[1] refused to acknowledge the authority of Yazid[2], for it would have been wrong to do so. For this reason, that is, in order to preserve their

[1] Sons of Ali by his wife Fatima, daughter of Prophet

[2] Caliph, 680-3. Hussein revolted against him, but was defeated and killed at Karbala.

honour, they became martyrs. For the sake of honour, God's devotee, Prahlad, boldly embraced the red-hot pillar, and the child Sudhanva threw himself into the frying pan without any hesitation. For the sake of truth, Harishchandra allowed himself to be sold to a low-caste man; he gave up his throne and suffered separation from his wife and son. For the sake of his father's word, Ramachandra went into the forest. And for the sake of their right, the Pandavas left their kingdom and wandered in the forest for 14 years.

Today it has fallen to the lot of the Indian community in the Transvaal to submit to this great divine law. So persuaded, we congratulate our countrymen. They have the opportunity now to see the Indian community throughout South Africa gaining its freedom through them. How could such great happiness come to us without our going through equally great suffering? Our petition is no longer addressed to man, but to God Himself. Day and night He listens to our plaints. We do not have to seek an appointment with Him for the hearing of our petition. He hears the petitions of all at the same time. With the purest heart therefore we pray to God that our brothers in the Transvaal may be prepared to suffer fearlessly anything that may befall them in August, placing their trust in Him alone, and with only His name on their lips.

[From Gujarati]

Indian Opinion, 27-7-1907

90. ALLY'S MISTAKE

Mr. Ritch's letter this week and the letter, received along with it, addressed by Mr. Ally to Justice Ameer Ali, both deserve careful consideration. We had some doubt whether these letters should be published. On reflection, however, we decided in the end that, in the interest of the country, we certainly ought to publish them. At such a critical time, we cannot afford to think of the effect they may have on the minds of certain individuals. We have only to think of what would lead to the common good.

Mr. Ally, in our opinion, acted hastily in writing to Justice Ameer Ali. It was a mistake to have written such a letter. It becomes clear now why a letter was received from the Committee advising us against taking the struggle to the point of going to gaol. Mr. Ally's letter led the Committee to think that there were differences among us. If such differences do exist, a person having incomplete information will only advise us that we should give up the idea of carrying on the struggle by going to gaol. In fact, no differences existed and there was therefore no need for Mr. Ally to write the letter he did to Justice Ameer Ali.

Moreover, no one was reluctant to meet General Botha. On the contrary, the British Indian Association made all-out efforts to meet him. In spite of these efforts, General Botha refused to grant an interview. When the interview was refused, a written petition was submitted to him stating that the demands of the Indian community should be accepted.

To say that every Indian merchant is a Muslim and every hawker a Hindu is, we believe, a poisonous comment. We take it as a disgrace to the Indian community that Mr. Ally should have penned such words. The Transvaal struggle affects Hindus and Muslims alike. The rights of both would vanish; moreover, it is obvious on reflection that the struggle would lack even dignity if the merchants did not join. The more respectable the man, the greater would be the harm—such is the effect of the deadly law. To a man with a greater sense of self-respect, the law ought to be all the more abhorrent. The question of such distinctions as Hindus and Muslims therefore does not arise at all. Moreover, the relations between Indians in South Africa professing the two religions are not in the least strained. By and large, all live in peace and amity. That in these circumstances such a letter should have been addressed to the Committee portends, in our view, a very unfavourable issue for the Indian community. Hence, we publish this letter along with our comments on it, to warn all Indians that, when the time of our deliverance is at hand, no one should imagine that differences exist between Hindus and Muslims or dream of creating any.

We do not wish to hurt Mr. Ally in any way by discussing the matter in public. Those who disagree with him need not be angry with him; rather, they should pity him for his mistake. The main point to be learnt from this is that every person engaged in public work should take a vow that he would not, under any circumstances, act in a way that might harm public interests. We would advise Mr. Ally to correct his mistake.

We can also see from the above correspondence that, if Mr. Ally had not written the letter, the Committee perhaps would not have sent us a cable to dissuade us[from going to gaol]. However, it should be clearly borne in mind that the Committee's advice is of no use to us at the present moment. Those rushing into the field of battle cannot listen to the advice of men who keep themselves at home. We have now to go on fighting, relying only on our own strength. If we feel that submitting to the obnoxious law is sinful, we shall not commit the sin just because the Committee or someone else advises us to do so. We have to give an account to God, not to the Committee.

[From Gujarati]

Indian Opinion, 27-7-1907

91. INDIANS IN CAPE

Fresh elections to the Cape Parliament are likely to take place soon. It is being asked how the black and brown peoples of the Cape will use their votes. The discussion is going on not only in the Cape, but also in other parts of South Africa. What we have to say is particularly for the Indian voters.

We think the Indian voters in the Cape have missed many opportunities of improving the conditions of the Indian community there and elsewhere. There is no point in having the franchise if at the appropriate time it is not properly utilized. If the natives and the Indians of the Cape realize the value of the vote, they can still bring about many changes.

The first thing to remember is that it is not absolutely necessary that the votes of the Kaffirs and the Asiatics should always be cast on the same side. The rights they have to secure are different. Their struggles are of different types. For example, the Cape Immigration Act is a hardship to the Indian community; it has little effect on the Kaffirs. Again, the Licences Act affects only the Indians. Moreover, as South Africa is their mother-country, they have a better right here than we have. But the Indians can demand their rights with greater force on the strength of the Proclamation of 1858 and in view of their being an ancient nation. Each has thus some advantages over the other. The Indian community therefore should think independently as to which way it should cast its vote.

Another thing to remember is that a voter is under no obligation to vote for the one or the other side. Sometimes, a very powerful effect can be produced by abstaining from exercising the franchise. We know that once the few Indians of Durban who had votes resolved to refrain from voting. The effect was that a high officer sent for them and made certain promises which were later carried out.

Bearing these two things in mind, let us consider the conditions in the Cape. There are two parties in the Cape: Bond[1] or Dutch; Progressive or British and "Foreign". We must admit that just now these two parties are in the condition of the pot calling the kettle black. They are both tarred with the same brush. Neither of them overflows with love for the blacks. The Progressive party has violated the word of the late Mr. Rhodes[2]. We would advise the Indian community in the Cape to ask the leaders of both the parties in writing whether certain

[1] Afrikander Bond

[2] (1853-1902), Prime Minister of Cape Colony, 1890-6

amendments can be made to the Immigration Act and the Licences Act. Votes should be cast in favour of the party which boldly and honestly gives favourable replies. If, however, both hesitate to give a straight reply, say one thing privately and another publicly, no encouragement should be given to such deceitful men. They should be plainly told that in such circumstances the Indian community would vote for neither.

We are sure the prestige of the Indian community will rise by so doing. And if not this time, next time one of the two parties will make certain definite promises. We appeal to the Cape Indians to act this time only in the interests of the community. No consideration should be shown to any whites either because they are friends or because they promise some benefits to a few Indians. Some other time we shall consider what and how much to ask for.

[From Gujarati]

Indian Opinion, 27-7-1907

92. *ATTACK ON RELIGION*

We are taught at school that, under British rule:

Gone are the passions of hatred and the furies of revenge,
And gone are the blood-thirsty oppressors;
Smooth is the flow of life, with peace
Among all the castes and creeds.
Look, none dares to catch the poor goat by the ear,
As she moves leisurely by.
Know this to be the kindness of God,
And be thou glad at heart, O India.

But now we may change the verse and sing:

Stronger are the passions of hatred and the furies of revenge,
And more numerous the blood-thirsty oppressors;
Full of strife is this life, and full of discords all the castes and creeds.
Look, every passer-by seizes the poor goat by the ear.
Think of this, and act thou with courage to seek relief, O India.

This thought occurred to us on reading the letter of the General Manager of the Natal Railway. He has stated that while railway tickets at concession rates are available to English or European priests, such concessions will not henceforth be available to Indian Christian priests. This means that Hindu, Muslim and Christian priests, if they are Indians, will not get tickets at concession rates.

This is going one step further than they have done in the Transvaal. Now Indian Christians, too, are being distinguished from European Christians. We take this to be a good sign. For, through such hardships and humiliation, we Indians shall gradually come closer together and cling to one another for survival.

From one point of view, Mr. Ross's letter is mere trifle. What does it matter whether or not a few Indian Christian priests get tickets at concession rates? From another point of view it is a serious matter. As an instance of the planned effort to humiliate Indians in South Africa in every way, his letter ought to be seriously challenged. The Europeans here think it no serious matter to insult the Indian community or the religions of India.

We are glad to see that the President of the Mahomedan Association, Mr. Peeran Mahomed, has written to Mr. Ross on this issue, and has taken necessary steps. There is a possibility of getting a satisfactory reply from Mr. Ross. If there is such a reply, that will be nothing for us to gloat over.

The key to the freedom of South African Indians is in the hands of the Transvaal Indians. If they keep their word and fight, Mr. Ross and others will stop insulting them.

[From Gujarati]

Indian Opinion, 27-7-1907

93. WARNING TO EAST LONDON

The British Press has published a cable regarding the work of the deputation sent to the Cape by East London Indians. It states that the Indian community concedes that laws should be framed to control "coolie Indians", but calls for regulations which grant special concessions to respectable Indians. It adds, moreover, that exemption certificates should be granted to some Indians on the lines of those granted to the Kaffirs.

We do not believe that East London Indians have made any such demand. Our enemies are only waiting for us to make such a mistake. For, if we demand a law introducing such distinctions, we shall be striking at our feet with our own axe. There is and will always be the distinction between good men and bad men. But no law can lay down the dividing line between the good and the bad, or the high and the low, or the noble and the mean. One who is a hawker today may become a merchant tomorrow. A merchant may be rendered poor and be obliged to seek service. Such things have always been happening. Now, who is to be termed a "coolie"? How can there be any such distinction? Who can make such a distinction? Who will go to a white officer to receive

at his hands a badge of "high" or "low"? We are sure the law cannot make any such distinction enabling a few Indians to get the exemption certificates. To ask for such a law is only to invite slavery.

[From Gujarati]

Indian Opinion, 27-7-1907

94. RUSSIA'S EXAMPLE

Our readers are aware that the Czar of Russia has set up a Duma[1], that is, a Parliament. Recently, the English Press published the news that most members of the Duma have been to gaol or suffered banishment in the country's cause. Therefore, the Parliament is also given the nick name of "an assembly of convicts". These members who have been to gaol and have been chosen by the people in the elections to the Duma are not mere illiterates or peasants, but are highly educated people. Some of them are eminent lawyers or doctors. There is one member, Mr. Gobernov who had even been sentenced to death. Another member, Mr. Cymbersuck, had been banished to Siberia for several years. The Russian rulers are often unhappy over the election of such men. But neither the members nor the voters care for their displeasure. There is a member, named Dimitriy Perlashin, who comes from a noble family. He had suffered imprisonment for two years. We can cite many such names. But what has been said is enough to give the reader some idea. Further, it should be remembered that a Russian prison is a veritable dungeon. No amenities are provided. Again, Russia is an extremely cold country. The gaolers are cruel. All these hardships are endured by these brave heroes for the good of the people. They are not deterred by the severities of weather. They do not bother whether their Emperor is pleased or displeased, but fearlessly go on doing what they consider to be in the country's interests. They do not lose heart though the people of Russia are still not free, but continue to do their duty. They do so because they think that, if not they, at least those who come after them will ultimately reap the benefit of their sufferings and their country will be free.

We wish that, with the example of such staunch patriots before them, and with faces turned to God and His name inscribed forever in their hearts, the Transvaal Indians will swim across the current of the obnoxious law.

[From Gujarati]

Indian Opinion, 27-7-1907

[1] Established in 1905, consisting of representatives elected on a restricted franchise. It was abolished in 1917.

95. *JOHANNESBURG LETTER*

Obnoxious Law

Only four days of July will be left when this issue is published. For the next issue I hope to send a telegram to Phœnix to say that the Government has begun arresting Indians for not taking out the new registers. But it will not be wrong to believe that, while I look forward to it, some others may be afraid of it.

Appeal to Pretoria

Meanwhile, I appeal to our countrymen in Pretoria to maintain to the end their own honour and that of the Indian community, as they have done so far. I am sure there is not one Indian in Pretoria who will defile himself by a visit, on the last day, to the hell of the Permit Office. I think it will be fully realized that by going there nothing will be gained except disgrace, and so I hope the thought of such a visit will not occur to anyone even in a dream.

What Next?

I have on various occasions given a reply to this question. However, I think it right to give it again. The courage that we have displayed in July is of one kind. That required in August is of a different kind. In July, we had to show the courage of remaining at home. Now, in August we shall be dragged to a magistrate in a court, where we shall have to give a bold answer. The mere mention of a law court strikes fear in our hearts. What will happen then, when we are produced before a magistrate? It will be more difficult to maintain courage this time, but it is needed in full measure.

Police will Arrest

In the first place, on August 1 it will be open to the police to arrest any or all of the Indians for not applying for a fresh register. Our firmness in keeping the pledge will then be tested.

Do not Offer Bail

Every Indian should remember that at that time no arrested person is to offer bail and that none should stand bail for him. Then will begin our training for a stay in the prison-palace. The arrested Indian will be produced before a magistrate the same day or the next.

Question of Defence

Probably he will be charged with failure to apply for fresh registration. At this stage, provided the arrested person holds a valid permit

or is a minor for whom no permit is necessary, Mr. Gandhi will appear for his defence gratis and Messrs Essop Mia and Gandhi will depose that the Indian community has been bound, by oath and by a resolution, not to submit to the new law, that the accused has accepted the said resolution, and that, if for such action a sentence has to be passed, it should first be passed on the office-bearers of the Association. Thereafter, if a deposition by the accused is considered necessary, he will state that not only has he acted in obedience to the community's Resolution, but that he personally disapproves the Act, that he does not, therefore, intend to take out a new register and that, if sentenced, he will go to gaol, but pay no fine.

Consequence

As a result of such a defence Messrs Essop Mia and Gandhi may be arrested first, and the accused may be let off. If, however, this does not happen, the Court is bound to pass a sentence on the accused. The Court has the power to impose a fine and may therefore sentence the accused to a fine, on the non-payment of which, he will be sent to gaol.

No Fine to be Paid

It must be distinctly remembered then that one is to go to gaol, not to pay the fine. I recommend that, on and from August 1, no Indian whatever should carry any money with him and certainly not gold in any case. Temptation is a very bad thing. Not being used to the idea of gaol, on hearing the sentence of fine, the accused may find his hands unconsciously straying into his pocket or he may cast an imploring glance at his friends. When this happens, he should mentally ask for God's forgiveness, remove his hand [from the pocket], stand erect and, clearing his throat, declare that he will not pay the fine but go to gaol. He should remember at the same time how in England women, both young and old, have refused to pay the fine of half a crown and preferred to go to gaol for the sake of their right.

What will Others Do?

We assume that ordinarily all the Indians will not be arrested simultaneously. What will be the duty then of those who remain outside? The answer is easy. They should congratulate the brother who has shown courage and sought gaol, and help his relatives; as for themselves, they should not get panicky and apply for registration. On the contrary, everyone should pray that his should be the next turn to go to gaol.

What if Mr. Gandhi is Arrested First?

If this happens, there will be no defence to make. Everything will be made clear at the time of Mr. Gandhi's trial. There will be a quick solution of the matter, if, after he is sent to gaol or deported, the Indian

community courageously adheres to its resolution. The struggle carried on so far will be worth while only if the Indian community remains firm, no matter who is imprisoned or deported.

What will Happen if Registers are Taken out?

But, if out of fear Indians apply for registers or pay the fine, or seek release on bail, the struggle waged so far will come to nought. It will be proved that we had no real courage. It will be believed that it was all mere incitement by the leaders. It will be said that the splendid show made so far was only external glitter. The gilt will come off and we shall be shown up to be base copper rather than gold, and we shall indeed have proved ourselves worthless.

Government's Other Weapons

As I have pointed out above, the Government can take steps other than charging us with failure to take out a fresh register. For, all the present registers and permits stand cancelled. The people can therefore be charged with staying without a permit. As I said in earlier letters, if such a charge is made the person will be given a notice at the first trial to leave the country within a specific period. If he does not leave the country within that period, he can be sentenced to a minimum imprisonment of one month. Even if the trial proceeds on these lines, the defence will be the same. On receipt of a notice after such trial, one should not leave, but should get arrested and go to gaol at the expiry of the notice period.

Any Fear for Merchants?

Persons with a large business need not have any fear. It is unlikely that all the men in an establishment will be simultaneously arrested. The shops are certainly not going to be looted. The utmost loss that may be caused is that the shops will remain closed for a few days. Nothing more than this is likely to happen. But it will be wise for all merchants to take stock, etc. The only object of doing so is that, in case the creditors become impatient, one may be able to settle accounts immediately.

Duty of Association

At a time like this, it is the duty of public bodies in the Transvaal and elsewhere like the British Indian Association and the Natal Indian Congress to pass and publish resolutions of sympathy. They should send monetary aid for the maintenance of the dependants of those arrested, and should have the matter discussed in public as much as possible both at home and abroad.

Query by "The Sunday Times"

Commenting on the law, the editor of *The Sunday Times* asks what steps the Government contemplates for putting into prison those Indians

who may not have taken out new registers in August. Will they build new prisons for them? The question is asked in a jesting tone, but it clearly shows that the Indian struggle has made them nervous.

Middelburg Indians

The Town Council of Middelburg has again passed a resolution to oust Indians from the Location. The intention is to make a test case against an Indian and ascertain if the Town Council has the right to do so.

Warning

Some Indians think that, if even a single Indian takes out the new register, it will be difficult for others to keep back. It can be said that those who think in this strain have not correctly understood the nature of the struggle. If one of them jumps into a well or does something wrong, will the whole Indian community follow him and do likewise? If not, how can it do so in the case of the sinister and wicked law which is more dreadful than any well? On the other hand, it will be too much to assume that not even one Indian will choose to become a slave. If the community had so much spirit, how could it be today in such a low state in South Africa or anywhere else? In this struggle it should be remembered that every Indian is to decide for himself independently of others. One need not look to others. The new register is not such a delicacy that, if one tastes it, others will forthwith pounce upon it. We should have it firmly impressed on our mind that we shall never win so long as we do not understand this. To those Indians who, out of cowardice, weakness or ignorance, cannot refrain from taking out new registers, I shall say that the only proper thing for them to do is to admit their weakness and advise others not to follow their example.

Pretoria Meeting

A special meeting was held at Pretoria on Tuesday evening. Mr. Roos, advocate, was also present. He said that General Smuts was anxious to know what effect his letter had, and that he (General Smuts) had a suspicion that the Indian leaders had not given publicity to his letter. It would be well, therefore, Mr. Roos said, if the opinion of the meeting was expressed. Mr. Gandhi handed to Mr. Roos a copy of *Indian Opinion* and told him that the substance of General Smuts' letter had been already placed before every Indian. Mr. Roos promised to show it to Mr. Smuts. Besides Mr. Gandhi, Mr. Essop Mia and Mr. Omarji Sale of Johannesburg also attended the meeting.

Mr. Gandhi translated Mr. Smuts' letter and advised the meeting in no case to submit to the new law.

Mr. Hajee Habib moved a resolution to the effect that if General Smuts did not accept the demands made in the letter of Mr. Roos,

there could be no submission to the law. Moreover, the correspondence with General Smuts should be made public. Mr. Hajee Habib's resolution was seconded by Mr. Suj. Mr. Ayub Beg Mahomed and Mr. Omarji also supported it. Mr. Roos said that the law should be accepted and then whatever demands we wished to make should be made constitutionally. In spite of this, Mr. Hajee Habib's resolution was unanimously carried.

Though the meeting has acted with so much spirit, the situation is getting somewhat critical as the actual time draws near. Doubts are expressed whether the whole community will remain firm to the very end.

At the present juncture every Indian should remember one thing—that, whatever the number of people who take out new permits, those who have the courage must certainly not do so.

SMUTS' INTENTIONS

In his reply, Mr. Smuts has stated that a coastal Permit Office was necessary. The old Dutch laws could not be enforced since, so far, the British Government used to intervene. But now that the British Government is not likely to interfere, it was necessary to have the Coast Office so as to ensure that a coolie, once going out, never returns. What could be worse if, in spite of such replies, the Indian community should submit to the new law?

[From Gujarati]

Indian Opinion, 27-7-1907

96. LETTER TO COLONIAL SECRETARY[1]

PRETORIA,
July 27, 1907

TO
THE HON'BLE THE COLONIAL SECRETARY
PRETORIA

SIR,

My Committee have learnt with regret that applications for registration of Asiatics are being received by officials late at night and in private stores or other places. My Committee have also learnt that this method has been adopted on the strength of representations made to the Government to the effect that British Indians desiring to make application under the Act are threatened with physical injury, etc.

My Committee disclaim all knowledge of any such threats having been used by any responsible member of the community. The activity

[1] This was presumably drafted by Gandhiji.

of the Committee has been confined to vigorous propaganda work in the way of showing the degradation and disadvantage involved in accepting the provisions of the Act.

The volunteers, it will be admitted, have simply performed missionary work. My Committee have publicly and emphatically informed British Indians that any member wishing to make his application will not only be left unharmed but that he will, if so desired by him, be escorted to the Registration Office.

In the humble opinion of my Committee, those Indians who have applied secretly and at night time have done so in order to conceal from British Indians what they, too, in common with other members of the community, have believed to be an act derogatory to their honour.

In the humble opinion of my Committee, secret registration after office hours and in private stores, even if it be not illegal, can hardly be considered a dignified proceeding. In any event, my Committee beg respectfully to assure the Government that the Indian community in what is to it a life-and-death struggle has no intention to resort to intimidation or methods which may in any way be considered even reprehensible.

I have, etc.,
HAJEE HABIB
HONORARY SECRETARY,
BRITISH INDIAN COMMITTEE

Indian Opinion, 3-8-1907

97. JOHANNESBURG LETTER

[July 29, 1907]

NEW LAW – GHASTLY BETRAYAL

None of my letters so far has been written, I think, with so much grief as this one. Whether I ought to publish this news at all is itself a difficult question to decide. However, I feel that I ought to take notice of the incident that took place among the Indian community at Pretoria, if we mean to be truthful and courageous.

For the Indian community in South Africa the last week of July will prove memorable. Just when we were hoping with confidence that the hour of our victory was at hand, there was treachery in the community and our success became doubtful. The conspiracy came to light by accident at the Pretoria Railway Station after 10 p. m. on Wednesday, July 24. Messrs Cachalia, Vyas, Beg and other Indians were present there to receive Mr. Gandhi. They learnt that something suspicious was going on in Mr. Khamisa's shop. There were a few white men inside, and some detectives near the shop. On receipt of this information, these gentlemen thought that they would

knock at the door of Mr. Khamisa's shop, and if the door should be opened and some move to submit to the new law should be found afoot, they would dissuade the persons concerned. Mr. Gandhi knocked at the door, and so did Mr. Vyas. A man came out and inquired who they were. Mr. Gandhi answered him, and asked his permission to go inside. No one opened the door. Meanwhile, a detective came and started asking questions. Mr. Beg gave a bold reply. Then Mr. Gandhi spoke to the detective. Thereupon the latter said, "You know the law, do what is proper", and went away. A few minutes later he and two other officers came there. Meanwhile, Mr. Vyas had gone to call Mr. Hajee Habib. Taking each member of the above party by hand, the detective asked him to move away. They all left. Everyone thought that a conspiracy must have been in the hatching in Mr. Khamisa's shop.

Many Indians kept awake the whole night. On the morning of Thursday, the entire Indian community became agitated. Letters and telegrams were despatched to all the towns. It is said that at Mr. Khamisa's shop that night, at the stroke of twelve, some 20 men blackened their hands and faces, and brought a slur on the good name of the Indian community.

Who is Guilty Here?

This question will arise in the mind of every Indian. I myself feel that we cannot absolve those who applied for registration. None could have blamed them if, convinced that the new law was good and that there was no humiliation in submitting to it, they had, in broad daylight, gone to the Permit Office to apply for their title-deed of slavery. But they believed it to be a shameful thing and that is why they decided to take out permits secretly at night. This proves that they knew their guilt and hence they should be considered to have committed an offence against the Indian community. The Permit Officers can be held to be as much at fault as the Indian culprits and even more. Going to people's shops at night to receive in secret applications for new permits shows that they have been straining every nerve to make people submit to the new law. For they are afraid that their prestige will suffer if the people do not submit to it. If the Government stoops so low, what wonder is there that people are tempted?

As if This Was not Enough

For such secret registration the pretext is found to have been put forward that the Indian community has held out threats that those who take out new registers will be made to suffer. This accusation is entirely false. Trying to hide his own shame in taking out the register, the traitor has levelled false charges against the whole community, and invented lies.

Hajee Habib's Letter

As it is impossible to tolerate such an accusation, Mr. Hajee Habib has addressed the following letter to the Colonial Secretary:[1]

But Good Comes out of Evil

The fight of the Indian community being righteous, the treachery appears to have led only to a good result. Among those secretly taking out permits was an innocent Indian, named Abdul Karim Jamal. Out of fear and temptation he applied for a permit, but, as he did not belong to the treacherous group, he was arrested on a charge of giving false information in the application. He has been released on a bail of £100 and awaits trial. This has shocked all Pretoria. For, the Indians have found that, in applying for a permit under the new law, the fear was not only that the permit might not be granted, but also that one might have to suffer imprisonment like a criminal. Whether or not Mr. Abdul Karim Jamal is guilty is a separate question. It is obvious that even an innocent person might all of a sudden find himself dragged to the court, so dreadful is this law. Both one's honour and safety lie in keeping away from the new law. This case should serve as a warning to all. There is no guarantee that even by seeking the title-deed of slavery one can have the right of settling in the Transvaal.

"Compassion is the Source of Religion"

One should remember this famous line of verse[2], and have compassion on those who have betrayed the Indian community. It is natural that we should feel angry. But we should suppress our anger and believe that it is out of ignorance that they sought disgrace. It should also be remembered that the entire struggle would suffer if, in the course of it, any Indian used violence against another Indian or did him other harm. In this connection I have regretfully to say that Mr. Khamisa sent word to each of his Indian customers that, if they did not apply for the new title-deed of slavery by Monday morning, they should pay up all his dues, failing which he would have summons taken out against them. This created a great stir. But Messrs Essop Mia, Aswat and Omarji persuaded Mr. Khamisa to withdraw the notice given by him.

Telegrams of Sympathy Pour in

Telegrams are being received continuously by the leaders in Pretoria. Some of them strongly denounce the treachery. Congratulatory telegrams have been sent to each of the pickets by Mr. Parsee Rustomjee and the volunteers of Durban. Barbers have received telegrams from

[1] Here follows in the original the text of the letter. *Vide* the preceding item.
[2] A couplet by the Hindi poet, Tulsidas

other barbers, advising them to remain firm. Telegrams have also been pouring in from several gentlemen and from such places as Blair, Tongaat, Delagoa Bay, Dundee, Ladysmith, Estcourt, and Cape Town.

Till this evening (Monday), not one Indian has taken out a permit from the Permit Office.

Hamidia Meeting

A huge meeting took place on Sunday in the hall of the Hamidia Islamic Society of Johannesburg amidst great enthusiasm. Mr. Polak explained the position to date. Emam Abdool Cadir Bawazeer presided. Moulvi Hajee Abdul Mukhtiar made a long and effective speech. The action of those who had taken out the register was vehemently denounced at the meeting as a snare. Mr. Polak said that now it would probably be the turn of the Johannesburg District, and that it was therefore necessary to recruit volunteers. He called for the names of those who were ready to enlist as volunteers. Nawab Khan Jamadar was the first to offer himself. He made an impassioned speech. The following were the other names enlisted:

Messrs Mahomed Hussain, Mir Afzulkhan (Kabuli), Nuruddin, Imamdin, Jamashah, Sahebdin, Musa Mahomed, Alibhai Mahomed, Isap Dasu, Alibhai Ismail, Omar Hasan, Musa Anandji, Ramlagan, Ali Omar, Ismail Mahomedshah, Mahomed Ismail, Suleman Amad Surti.

After these names were received, it was announced that no more were needed. Great enthusiasm prevailed at the meeting.

Meeting of South Indians

The same evening the South Indians held a meeting. Mr. Polak explained the position fully also to them. The people are full of enthusiasm and spirit. Everyone says that he himself will not invite disgrace by taking out the permit, no matter what others do. At the meeting the following offered to enlist as volunteers:

Messrs P. K. Naidoo, W. J. R. Naidoo, S. Matthews, S. Lingham, D. N. Naidoo, S. Kumaraswami, S. Virasamy, Thambi Naidoo, S. P. Padiachy, R. K. Naidoo, R. Thandapani, K. K. Samy, K. N. Dadlani, J. K. Desai and others.

Warning to Those Coming via Durban

A correspondent from Volksrust writes to say that the Officer takes away the register and the permit of those coming from Natal, telling them that the same should be obtained later from the Pretoria Permit Office. This is obviously improper; it puts people to expense and obliges them to go to the Permit Office. All Indians therefore should take the warning and refrain from going to the Transvaal altogether

at the present time. This, too, follows from the new law. It should make us realize the subtlety of the new law.

VREDEDORP INDIANS

It has now been decided that the Vrededorp Ordinance will not be put into effect for the time being. From this one need not believe that Indians have specially benefited. The truth is that the whites do not approve of the Ordinance. They are not satisfied with the rights granted by it. They demand more. The Government has agreed to grant them what they want. Accordingly, a new Ordinance will now be framed. Therein, too, the rights of Indian merchants will not be protected. There is no one to listen to the feeble voice of a reed. The Dutch of Vrededorp, though poor, have the right of vote, and they are brave fighters. For them everything will be done. Indians have no vote. As for the sword, perhaps they have not even seen it. If, however, they take courage in both hands and burn the obnoxious Asiatic Act with the fire of gaol-going, that will prove their mettle all right. Otherwise, I for one have no doubt at all that Indians' rights will vanish for ever.

ASIATIC ACT IN HOUSE OF COMMONS

Local papers publish a cablegram stating that Sir William Bull asked a question in the Imperial Parliament about the Transvaal Indians. In his reply, Mr. Churchill stated that it was found that there was no alternative to finger-prints for registration. Lord Elgin expressed regret for the attitude taken by the Transvaal Government, but stated that, after the Transvaal's explanation that there was nothing objectionable in this manner of identification, he did not think he could press for a reconsideration of the matter.

That Lord Elgin expressed regret clearly shows that he himself regards the Act to be oppressive. So, when Indians go to gaol, his sympathy is bound to be with them.

HARASSMENT BY RAILWAYS

The following letter has been sent to the railway authorities over the signature of Mr. Polak, the Acting Secretary of the British Indian Association:

> I have the honour to draw your attention to the fact that yesterday afternoon, Mr. Abdool Gani, the late Chairman of my Association, and Mr. Goolam Mahomed were refused tickets to travel by the 4.40 train to Pretoria, although they were obliged to go on urgent business, having been telegraphed for.
>
> May I ask you to be good enough to investigate this matter, as my Association is anxious to be assured that the Administration has no intention to place further restrictions upon the community represented by my Association in regard to its public rights.

This recent example of harassment by the railways clearly shows that no Indian should lose the opportunity of going to gaol so as to open the

eyes of the authorities. All these hardships, instead of diminishing, are likely to go on increasing till the Indian community proves its spirit by going to gaol.

[From Gujarati]

Indian Opinion, 3-8-1907

98. SPEECH AT PRETORIA[1]

[PRETORIA,
July 31, 1907]

Mr. Gandhi said that Mr. Hosken had been explaining a great many things in connection with the Ordinance,[2] and he had expressed his sympathy with them in their trouble, but he thought that, although their struggle proceeded from a right mind, they were misguided, and that they ought to submit to the Ordinance, namely, to the compulsion that underlay the Ordinance as also to the ten finger-impressions. He had advanced many arguments in favour of this submission, one of which was that they ought to submit to the inevitable. He (Mr. Gandhi) wanted to take up this argument of the inevitable.[3] He thought and felt most deeply that neither Mr. Hosken nor any member of a Western race, and he said this with all humility, was capable of understanding what an Eastern mind understood by the inevitable. Mr. Hosken had told them that the Asiatic Registration Act had behind it the force of white public opinion, and that for that reason it could not be overridden but must be submitted to. He (Mr. Gandhi) did not call this the inevitable. To him the inevitable was that British Indians who were voteless in this country, who had absolutely no voice in this country, whose petitions were flung into the wastepaper basket, for whom not a single voice was raised in the popular Assembly, for whom even Mr. Hosken had not been able to say one word of sympathy there because he felt that he would have to meet a solid phalanx of opposition, should oppose the Law. Under these circumstances, the inevitable they had to submit to was the will of God. If it was His will that every one of the 13,000 Indians should sacrifice everything, should give up whatever he had of monetary wealth accruing to him in this material world, then he must resign himself to the inevitable, and not accept the insult and the degradation that this Law involved. He thought, with all respect, that Mr. Hosken was not in a position to change his skin, nor was he in a position to advise them in a matter of life and death to every Indian who resided in the country.

He had lived in this country, and had served his fellow-countrymen for thirteen years. (Cheers.) He claimed to be one of the most peaceable men in South Africa, and he had not embarked upon this crusade, he had not embarked upon this advice to his countrymen, without mature thought and deliberation. He had read

[1] On July 31, the last day for filing applications under the Asiatic Registration Act, a meeting of British Indians from all over the Transvaal was held at Pretoria. A telegraphic report of the speech appeared in *Indian Opinion*, 3-8-1907. This is a fuller report.

[2] Attending the meeting at the instance of General Botha, Hosken had informed Indians that the Government was firm in its policy in regard to the Act.

[3] *Vide* "Mr. Hosken's Inevitable", pp. 150-1.

every section of the Asiatic Act and had read almost all Colonial legislation, and he had come deliberately to that conclusion, which he did not think he was likely to alter, that if the Asiatics who resided in the Transvaal submitted to that Law, theirs would be a state of slavery and nothing less.

And why? He had given a simple illustration to Mr. Hosken's countrymen when he had been in London. He had said: "Everyone who goes in the street wears a chimney-pot, a silk hat. Supposing that in London they were to pass legislation making it compulsory for every Englishman to wear the silk hat, would not the whole of London go hatless?" This was the position he had put to those friends—only it was absolutely trivial. There, it would be merely a question of hats, yet Englishmen prized their liberty so highly that they would resist in their own country a law which put such compulsion on them, whatever its objects. Here it was not a question of hats, but the badge of slavery on arm and forehead. He asked them not to wear that badge.

He took the sole responsibility for the advice he had given to his countrymen, but he would also couple that admission with the statement that his countrymen had felt far more severely the degradation involved in that Act than he could ever feel because he knew the loopholes that this Act contained for his countrymen. He knew also that, living in a country like this, they had to make allowance for a certain amount of prejudice, so they had put up with some indignities, some insults, but now the cup was filled to overflowing, and British Indians recognized that it was not possible for them to suffer the degradation involved in the Act and to live in this country. They had deliberately and of their own accord come to the conclusion that it was not possible for them to live in this country. If these were not the feelings of his countrymen in regard to that Act, he would be the first to own his mistake, and he would be the first to comply with the Law and to publicly admit that he had been mistaken and that they had deserved that Ordinance.

Mr. Essop Mia had placed graphically before them the position. He had shown the difference between the Act and voluntary registration. They had before their mind's eye, and they could picture to themselves, the position in which they would be under voluntary registration and that in which they would be under compulsory registration. It was not for him now to examine the Act in detail, but the Moulvi had drawn one or two comparisons for their edification. Mr. Hosken, not understanding the language, had thought that the Moulvi was resenting a personal grievance, but those who served the community could not afford to have any such personal grievances. What the Moulvi had said was that the Act was despicable, and he (Mr. Gandhi) would say with emphasis, and in all humility, that the Act was so despicable and so wantonly insulting that it even made distinctions between Mahomedans and Christians, it brought Turkish Mahomedans within the provisions of the Act but left Turkish Christians and Jews free. He did not know of any Turkish Mahomedan who had a quarrel to pick with the Turkish Christian or the Turkish Jew, but they had found it hard to swallow this bitter pill, to swallow this insult.

And if, in order to eke out a miserable existence in this country, they submitted to all these things, what warranty, after all, had they that their position would be changed for the better and that there would be restored to them any of the rights of which they had already been deprived? A few unimportant alterations would be made, but they would still have to submit to the deprivation of ownership of property, to segregation in locations and he knew not what else. This was the position they had to face, and for that reason he had taken the responsibility of advising his countrymen that they ought not to submit to this Act.

Indian Opinion, 10-8-1907

99. RESOLUTIONS AT PRETORIA MASS MEETING[1]

[PRETORIA,
July 31, 1907]

Resolution 1: This Mass Meeting of British Indians assembled in Pretoria hereby notes with deepest regret that there have been found in the community some Indians who have so far forgotten themselves and their traditions as to first secretly, and then openly, well knowing the disgrace attached to submission to the Asiatic Law Amendment Act, apply for certificates of registration under it.

Resolution 2: This Mass Meeting of British Indians assembled in Pretoria congratulates the vast majority of the Indian inhabitants of Pretoria upon having refrained from bringing themselves under the Asiatic Law Amendment Act, and upon braving the serious consequences of non-submission thereto, and also congratulates, the courageous Indians who, by acting as missionaries to spread a true knowledge of the provisions of the Act amongst the members of the community, have made possible so noteworthy a stand against injustice and oppression.

Resolution 3: This Mass Meeting of British Indians assembled in Pretoria respectfully prays that the Government may be pleased to spare the community the suffering involved in non-submission to the Act by accepting the offer of voluntary re-registration outlined in the Chairman's address, in view of the fact that, in the humble opinion of this Meeting, the Act is unnecessary for the purpose for which it is intended.

Resolution 4: This Mass Meeting of British Indians assembled in Pretoria hereby authorizes the Chairman to forward copies of the first three resolutions to the Government.

Indian Opinion, 3-8-1907

100. INTERVIEW TO "RAND DAILY MAIL"[2]

[PRETORIA,
July 31, 1907]

... If the Government should be willing to give a period of, say, two months for voluntary registration, the majority of Indians would accept these terms, though there might still remain the difficulty of the finger-print system. He

[1] Though the resolutions were moved and supported by other spokesmen of the Indian community, they were presumably drawn up by Gandhiji.

[2] At the close of the meeting, Gandhiji gave an interview of which this is a brief report.

admitted that this was a serious stumbling-block, and in his opinion they would only get terms after they, or many of them, had suffered under the Ordinance.

Rand Daily Mail, 1-8-1907

101. STRUGGLE IN TRANSVAAL

The month of July has ended. It will remain memorable in the history of the Transvaal Indians, perhaps in the history of the Indians in the Colony of South Africa. The mass meeting on July 31 marked a fitting conclusion to an eventful month. We are happy to find that a meeting attended by delegates from all parts of the Transvaal has once again condemned the Ordinance unanimously. That means, the whole of the Transvaal stands united in its eagerness to court imprisonment. However, some persons, not realizing the importance of a struggle which will affect the future of Indians in the whole of South Africa, have betrayed the community. Their conduct is tantamount to high treason against the motherland. But the number of such persons is very small. Moreover, many of them feel sorry for what they have done. Taking a warning from this, and from the miserable condition of one or two persons whose valid permits were declared to be false, people everywhere in the Transvaal who are still wavering will, we hope, make up their minds to be firm. It is the turn now of Pietersburg and other districts to do what Pretoria has done, and do one better. If this happens, our struggle can have only one result, and that is success. For the present, we only wish to tell the brave friends in Pretoria that, in keeping with the spirit they have shown in July, they hold themselves ready fearlessly for simple or rigorous imprisonment, or for exile, if the Government so chooses; in a word, for any hardship. We are now in the thick of a battle. There is no question of looking back. Our fight is for justice, so that we have the great Creator of the world Himself on our side. In the course of the struggle so far, the Government has climbed down frequently enough. This success is the result of our firmness. We cannot put a limit to what can be done. We offer our sincere congratulations to Pretoria for what it has been able to do, and pray to God that He may always bring succour to those who may be in gaol.

[From Gujarati]

Indian Opinion, 3-8-1907

102. AWAKENING AMONG NATAL INDIANS

Time and again we have warned Natal Indians to keep awake. Now we can say with pleasure that they do not seem to be asleep. They are working hard to give help to the Transvaal Indians in every possible manner. While Messrs Dawad Mahomed, Parsee Rustomjee, Dada Osman, Ismail Gora, Dr. Nanji, Dr. Hiramanek and others among the Congress leaders are working hard to raise contributions in Durban, Messrs M. C. Anglia, Abdool Cadir and Peeran Mahomed visited Maritzburg with Mr. Tayob Moosa, and raised a good amount in only a couple of days. Following this example, all the Indians in Natal should collect as much as they can in their respective districts. If the Congress leaders have been thus active, the rank and file of Indians have not lagged behind. In addition to the three volunteers keeping a watch over passengers travelling to Johannesburg, Messrs Hoosen Dawad (son of Mr. Dawad Mahomed), U. M. Shelat, Chhabildas B. Mehta, Ruknuddin and D. K. Gupte have given all their time to Congress work. For several days past telegrams have been sent constantly from here to Pretoria and telegrams from there are being anxiously awaited. From the sympathy thus evinced by Natal Indians, the Transvaal Indians should realize that they are no longer alone in their struggle, but that Indians outside stand by them fearlessly, ready to help in all possible ways.

[From Gujarati]

Indian Opinion, 3-8-1907

103. JOHANNESBURG LETTER

[*August 5, 1907*]

SPECTRE AT PIETERSBURG

The spectre of the Permit Office has now shifted to Pietersburg, and by the time this letter appears in print, it will have been known whether the Indians are lions or lambs. Though I am writing this as early as Monday, I think I can say they are lions. On learning that the Permit Office will go to Pietersburg some time between the 7th and the 10th to issue the title-deeds of slavery, the local leaders immediately went to Pretoria. Mr. Hajee Habib, the very shrewd and energetic Secretary, who had been to Johannesburg on business, soon returned to Pretoria to help maintain the confidence of the Pietersburg

leaders. They have taken up the challenge, ensuring a total boycott of the Permit Office at Pietersburg.

WHY DID SPECTRE GO TO PIETERSBURG?

This question will strike everyone. I have to say with regret that the blame for this lies with Pietersburg Indians. They did not attend the famous mass meeting on July 31. Their telegram was lukewarm, and the Indian shops at Pietersburg remained open that day, though other shops throughout the Transvaal, including even that of Mr. Khamisa, were closed. This naturally led the Government to infer that the Pietersburg Indians would be quite ready to wear the chain of slavery and accept the registration document which is almost like a warrant of death. Moreover, since Mr. Khamisa and Mr. Hajee Ibrahim had tarnished the name of the Memons, who form the bulk of the Indian community at Pietersburg, the Government thought that its ammunition would prove effective against Pietersburg and that the fort of Indian freedom would fall there.

But the Government has made a mistake in thinking that the Pietersburg Memon community will follow the example of Mr. Khamisa and Mr. Hajee Ibrahim. I believe that both these Indians are also repenting now. Their new registers have proved too much of a liability to them. Though no Indian has been avoiding these gentlemen or doing them any harm, they remain isolated and have to put up with bitter public criticism. No Indian, therefore, will make bold to do what they have done. Moreover, in public at least they have been saying that, though they had themselves soiled their hands and tarnished their faces, let no other Indian do like them.

CONCESSION TO PRETORIA?

In its Notice from Pietersburg the Government has now announced that the Pretoria Indians will be free to take out new registers at Pietersburg. I for one take this to be a kind of bondage. Temptation is an evil thing. I consider that taking out of new registers is a crime. To tempt them to commit that crime, the Government has only opened another door for the Pretoria Indians. It will be wrong to regard it as a concession. It is just a snare. For my part, I am convinced that no Indian from Pretoria will succumb to the temptation.

KARIM JAMAL'S CASE

Thanks to Karim Jamal's case[1], Indians have become more strongly confirmed in their opposition to the new law. To submit to it, they have seen, is to go in for a bad bargain.[2] The case against Mr. Karim

[1] *Vide* "Johannesburg Letter", p. 136.

[2] The Gujarati phrase literally means: to exchange sleep for wakefulness.

Jamal has been withdrawn. The public prosecutor admitted that there had been a mistake in instituting the case. How does this help Mr. Karim Jamal? He had to suffer inconvenience and incur monetary loss. Disgusted with the heavy loss and damage, he has withdrawn his application for a register. (See his letter to the Registrar on the subject printed elsewhere.)[1]

This letter should be a warning to all Indians as to how this law can subject a poor man to hardship.

White Stands up against Finger-prints

A white man has been arrested on a charge of theft. Under the gaol regulations, the police have the authority to require finger-prints of a person sent to gaol. In exercise of that authority, the police demanded this man's finger-prints in the gaol. He refused to give them, and was brought before a magistrate; even then he emphatically refused to give the impressions. As for obtaining impressions by force, there is no authority for it under the law. The magistrate, therefore, sentenced the white to solitary confinement for three days. He bravely suffered the sentence, but refused to give finger-prints.

Monetary Aid for Struggle

Mr. Bhatt writes to the Association from Waschbank to say that the Indians there are in high spirits and are raising a fund. He has offered whatever help may be necessary when people go to gaol. This is very good news. In this connection I must point out that whatever money is raised in Natal should be forwarded to the Congress Secretary. Likewise, the money collected at other places should be made over to the local associations. If anyone keeps the money with him or if the money raised at a place remains with the local leaders, it will be difficult to send it when really needed. It should be so arranged that the demands from the Transvaal are addressed to only one source. This is no time for anyone to think of his importance. All have to do only their duty.

Mass Meeting

The mass meeting at Pretoria proved a huge success; one can say that the mass meetings at the Empire Theatre and the Gaiety Theatre were nothing compared to this. Moreover, it is a happy augury for our ultimate success that the meeting was held in the premises of a building as sacred as a mosque. The editor of *Pretoria News* personally attended this meeting, while the other meetings were attended by reporters only. At the two earlier mass meetings the local Members of Parliament were not present.

[1] Not reproduced here

Hosken's Presence

This meeting was attended by Mr. Hosken, a prominent Member of Parliament. Mr. Hosken's speech should add to our strength. He cannot, of course, give any different advice from what he did. He came under instructions from General Botha, General Smuts and Mr. Hull. This shows that our work in the month of July has had its effect on the Government. When two parties are engaged in a struggle, it is usual for each to maintain an extreme position to the very last. Of the two, the party which has right on its side and remains firm till the end will win. It is no wonder, therefore, that the Government should send a message to say that the law would in no case be amended and that voluntary registration would not be accepted. No one listened to us hitherto, but now the Government is anxious to find out what we want. Let us regard this as the first step towards success.

Other Good Omens

Just as I regard the holding of the meeting in a mosque and the presence of Mr. Hosken at the meeting as a happy augury, so also the news which Mr. Hajee Cassim brought to the meeting, that the Government would not send anyone to gaol for the immediate present, may be taken by some as a good omen. In reality this is bad news, for the sooner the Government took the offensive against us, the quicker would be the solution. But I take it as a favourable circumstance that the news was received on the very day of the meeting. The happiest sign is the cablegram from England received on the morning of July 31 to say that the South Africa British [Indian] Committee had been trying for an interview with Sir Henry Campbell-Bannerman. This cablegram gladdened the hearts of all. All were gratified to think that they were not going to be entirely forsaken by the Committee.

Cablegram to Reuter

After the meeting was over, the Pretoria Committee sent a long cablegram to Reuter, and another directly to the Committee. This meant an expense of £7. The Committee's reply to this cablegram states that our question will be discussed in the House of Commons. The question will come up in connection with the loan of £5,000,000 requested by the Transvaal. If this happens, we may expect to gain something. However, no one should depend much on such support. We should not be surprised if we are disappointed in this. The important thing is that everything depends on our own strength. It may be taken for certain that there is no deliverance for us before we come out of the gaol gates.

MORE AID

Mr. Motilal Diwan says in a letter that he is prepared to make a personal sacrifice to serve the cause of the Transvaal Indians. He is ready to look after the wife and children of any Indian going to gaol, and to proceed to Charlestown to receive them. Such examples are of great help to us.

[From Gujarati]

Indian Opinion, 10-8-1907

104. TELEGRAM TO C. BIRD

MERCURY LANE,
[DURBAN,]
August 8, 1907

C. BIRD, C.M.G.[1]
P. M. BURG[2]

BEG TO TENDER CONGRATULATIONS ON THE HONOUR[3] CONFERRED ON YOU BY HIS MAJESTY THE KING EMPEROR.

GANDHI

From the handwritten office copy : S. N. 3877

105. LETTER TO PRIVATE SECRETARY TO GENERAL SMUTS

JOHANNESBURG,
August 8, 1907

THE PRIVATE SECRETARY TO GENERAL SMUTS
PRETORIA

SIR,

I have heard from more sources than one that, in the opinion of General Smuts, I am responsible for the agitation against the Asiatic Law Amendment Act, and that my action is strongly disapproved of by him. If the imputation means that my countrymen do not resent the Act at all but that I unnecessarily inflame them, I venture to repudiate it altogether. On the other hand, if it means that I have voiced their sentiments and that I have endeavoured, to

[1] Private Secretary to the Colonial Secretary, Transvaal
[2] Pietermaritzburg
[3] Companionship of St. Michael and St. George

the best of my ability, to place before them accurately what the Law means, I beg to accept the entire responsibility. I feel that, my parents having given me a liberal education, and [I] having studied to a certain extent modern history, I should be false to myself and my country if I did less.

Relying upon past professional connection with Mr. De Villiers, I sought a private interview with him, and requested his unofficial intervention with a view to finding a solution of the difficulty. He promised to see General Smuts and let me know. He did so. I was, however, unable to see him personally again. He left a message with his Secretary to the effect that I should approach General Smuts directly, though there was little chance of relief being granted in the direction suggested by me.

I believe that I am as anxious to serve the Government as I am to serve my countrymen and I feel that the question is one of very serious and Imperial importance. I, therefore, venture to enclose herewith a hurriedly-drawn draft amendment to the Immigration Restriction Bill. In my humble opinion, it meets the view of the Government entirely, and it removes the stigma which, rightly or wrongly, my countrymen think attaches to them by submission to the Asiatic Law Amendment Act.

I have seen a cabled summary of General Smuts' reply to the South Africa British Indian Committee. He has been pleased to remark that co-operation with the leaders of the Indian community is not possible, as they have taken up an attitude of defiance. With deference, I must say that there is hardly any defiance about the attitude, but complete resignation to the will of the Almighty, in whose name they have sworn not to surrender their manliness and self-respect, which, in their opinion, are seriously attacked by the Registration Act.

I hope that the proposal submitted herewith will be received in the spirit in which it is offered.

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

[Enclosure]

PROPOSAL TO MEET DIFFICULTY REGARDING ASIATIC REGISTRATION ACT

It is submitted that the Immigration Restriction Bill, which can still be recalled and amended, can meet the whole difficulty, as follows:

1. In Section 1 of the Bill, to omit from "provided" to "Act".
2. The following addition to be made to Section 2: The term "prohibited immigrant" shall not include and mean male Asiatics falling

under Clauses (a), (b), (c) and (d) hereof, notwithstanding that they cannot comply with the requirements of sub-section 1:

(a) Any Asiatic duly authorized to enter and reside in this Colony by a permit issued under the Indemnity and Peace Preservation Ordinance, 1902, or any amendment thereof, or issued between the 1st day of September, 1900, and the date of the passing of the said Ordinance, unless such permit shall have been fraudulently obtained, provided that any such permit expressed to authorize any Asiatic to remain in this Colony for a limited time only shall not be deemed to be a permit within the amendment of this sub-section;

(b) Any Asiatic resident and actually in this Colony on the 31st day of May, 1902;

(c) Any Asiatic born in this Colony since the 31st day of May, 1902, not being the child of any labourer introduced into this Colony under the Labour Importation Ordinance, 1904;

(d) Any Asiatic who, before the 11th day of October, 1899, paid the sum of £3 in terms of Law 3 of 1885 as amended in 1886.

Provided that such Asiatic shall before a date to be fixed by the Colonial Secretary take out a domicile certificate as per form prescribed by regulation, and provided further that children up to the age of 16 years shall be exempt from the operation of this Clause, after attaining which they shall be obliged to take out certificates of domicile to enable them to claim the exemption before mentioned.

3. The term "Asiatic" shall mean any such male person as described in Article 1 of Law 3 of 1885, not being a person introduced into the Colony under the Labour Importation Ordinance, 1904.

4. Sub-section (c) of Article 2 of Law 3 of 1885 as amended by Volksraad resolution, Article 1419 of the 12th day of August, 1886, Article 128 of the 10th [day of] May, 1890, and the Asiatic Law Amendment Act are hereby repealed.

5. To add to sub-section 15: Also prescribing the form of certificates of domicile under sub-section and the manner of applying therefor and the period within which Asiatic children under the age of 16 shall make application for certificates of domicile on completing 16 years.[1]

Indian Opinion, 24-8-1907

[1] In the Gujarati columns of *Indian Opinion*, 24-8-1907, a translation of the correspondence appeared under the title "Exchange of Letters", along with the following summary of the proposal:

It is submitted that the Immigration Restriction Bill, which can be amended, can meet the whole difficulty as follows:

(1) The new Act should be repealed.

106. TELEGRAM TO PRETORIA COMMITTEE[1]

JOHANNESBURG,
[Before *August 10, 1907*]

[PRETORIA COMMITTEE
BRITISH INDIAN ASSOCIATION
PRETORIA]

MEETING COMMITTEE ASSOCIATION, ALSO REPRESENTATIVES HEIDELBERG, POTCHEFSTROOM, VEREENIGING, MIDDELBURG, KRUGERSDORP, OTHER TOWNS, EXPRESSED ABHORRENCE ALL THOUGHT APPLICATION FOR CERTIFICATES OF SLAVERY, AND URGENTLY IMPLORE PRETORIA INDIANS BE STRONG AND FAITHFUL TILL END LEST THEIR COUNTRY AND BRETHREN BE BETRAYED BY COWARDICE AND SELFISHNESS. IF ALL STRONG, WE HAVE WON. PRETORIA MUST SET INSPIRING EXAMPLE ALL INDIANS.

[BIAS]

Indian Opinion, 10-8-1907

107. MR. HOSKEN'S "INEVITABLE"

Mr. Hosken is known all over South Africa to be the friend of the non-white races. He is one of the few men in South Africa who have the courage of their convictions. His exhortations to the historic Mass Meeting of Indians at Pretoria, therefore, deserve most careful attention.

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(2) The term "Prohibited Immigrant" shall not include persons, who hold valid permits and who get those permits exchanged for others within a prescribed time-limit.
(3) Any Asiatic who does not hold any permit, but who had paid £3 to the Dutch Government before 11th of October 1899, provided that such Asiatic shall obtain before a date to be fixed by the Colonial Secretary, take out a domicile certificate as per form prescribed by regulations.
(4) This obligation to get their permits exchanged should not apply to children under the age of 16. They may be required to obtain the domicile certificate when they reach the age of 16.
(5) The word 'Asiatic' should include all Asiatics.
(6) The clause regarding payment of £3 should be deleted.
(7) The Government should have the power to prescribe the form of certificates of domicile and the manner of applying therefor.

[1] This was sent by the British Indian Association and was presumably drafted by Gandhiji.

Let us then analyse the doctrine he laid down, namely, that Indians as an Eastern people, should recognize and bow to the inevitable. By the term, Mr. Hosken meant to convey that the Act, having been demanded by the white people of the Transvaal, and unanimously sanctioned by the local Parliament, was in the nature of an act of God. We are constrained to take exception to the proposition laid down by Mr. Hosken. The honourable gentleman admitted that he himself did not like the Act, and that he would himself, if he could, grant the Indian request. He also admitted that "passive resistance" was a legitimate method of securing redress of a felt grievance. On his own showing, therefore, Mr. Hosken's contention that the Act is in the nature of an act of God falls to the ground. We, however, go further. No action of a human being is considered by the Eastern mind as a divine dispensation, unless it is intrinsically justifiable. And when an Eastern submits to the apparently inevitable, there is always traceable behind such submission, not a recognition of the Divine hand, but of base selfishness. The spirit is then willing, but the flesh is weak.

And what is it that Mr. Hosken will have the Transvaal Indians to do? To accept the enslaving Act in order that they [may] be able to exist in that country! In other words, Mr. Hosken, a man of God, advises Indians, for their material good, to forswear their solemn oath and their honour. We answer, in the words of his Master, "Seek ye first the Kingdom of God and His righteousness, and everything shall be added unto you." We believe that, in resisting the wretched Act, Indians would be seeking the "Kingdom of God".

Mr. Hosken says the oath is not binding, because it was ill-taken. But the solemn declaration was made by Indians with due deliberation. And it was not only for their own self-respect, but for that of their dear ones and their country, that they resolved upon resisting the Act and facing imprisonment or worse.

We, therefore, trust that Mr. Hosken will, with his accustomed zeal for forlorn causes, study the Asiatic question, and we promise that he will accept the whole contention of the Indian community. He went to the meeting as a messenger of peace from the Government. He will, we doubt not, fulfil the functions of a true mediator, if he will only understand carefully the Indian standpoint.

Indian Opinion, 10-8-1907

108. MR. ALLY'S PROTEST[1]

We commend to the attention of the Transvaal Government the letter Mr. Ally has addressed to the Press. Mr. Ally, it will be remembered, was a delegate to wait on Lord Elgin in connection with the Asiatic Ordinance. The *Rand Daily Mail* calls it a bitter protest, and so it is. Mr. Ally's is perhaps an extreme case, but it shows most vividly, as nothing else can show, the suffering the Act is going to cost the community. The objection of the Indian community has been set down as mere sentiment. Mr. Duncan, not knowing what the Act meant, was good enough to say that the Asiatic objection should be overborne, but we ask whether it is sentiment that has dictated the course adopted by Mr. Ally. Will the Indian community be told that Mr. Ally is probably facing starvation for a foolish sentiment, or will it dawn on Lord Elgin that, after all, even though an Indian, a British subject may be entitled to personal freedom and security wherever the British flag flies?

Indian Opinion, 10-8-1907

109. THE TRANSVAAL INDIANS

The Pietersburg notice issued by the Government is undoubtedly a feeler, and it seems that the Government are still uncertain whether the feeling of resentment against the Asiatic Act is general and permeates the masses, or whether it is confined to a few "agitators" only. Taken in that light, the Pietersburg notice is justifiable. The reply returned by the Pietersburg Indians should set at rest any doubt lingering in General Smuts' mind. The Pietersburg Indians view the sending of the Registration Office to their town as an infliction to be avoided. We congratulate them on their boldness in having sent the petition to the Government, but we must warn them, as also all other Transvaal Indians, that the struggle before them may be bitter and prolonged before they make a breach in the almost impregnable wall of prejudice that the Government have erected in front of them. There is no remission of sin without shedding of blood. This may be paraphrased for British Indians to mean that there is to be no freedom for British Indians without their suffering imprisonment, even banishment. They must prove themselves worthy of the relief they are fighting for, before they will get it.

Indian Opinion, 10-8-1907

[1] *Vide* "Ally's Letter", p. 154.

110. WHAT NEXT?

The mass meeting[1] passed off very well. retoria acted bravely. Several days of August have passed. No one has so far been arrested. What will happen next? We often hear people asking this question. It appears that the Government has no intention of taking any steps on the basis of the Pretoria notice. The intention of the Government appears to be to start arresting people only after all the Indians in the Transvaal have had the opportunity of taking out the title-deed of slavery. The boycott at Pietersburg is now likely to succeed. If therefore an office is now to be opened, the probability is that it will be opened at Johannesburg, where, after the expiry of the notice period, the attack will begin. From the reports received, it appears that the Government intends to arrest the leaders first. Such a decision will indeed be realistic. If the Government suspects that the new law is being opposed by the people merely because of incitement by the leaders, the suspicion can be proved baseless if the Indian community remains firm even after the leaders are arrested.

[From Gujarati]

Indian Opinion, 10-8-1907

111. COMMITTEE'S FIGHT

The South Africa British Indian Committee has resumed the constitutional fight. There is no doubt at all that it is a result of the mass meeting. Replying to a question by Mr. Robertson, Mr. Churchill stated that the Imperial Government considered the situation to have become very serious and that they had instructed Lord Selborne to keep them constantly informed by cablegram. He also indicated that they would do all in their power, short of encroaching upon the rights of a self-governing colony.

Moreover, Mr. Cox[2] has given notice of his intention to move that the assistance to the Transvaal in the form of a loan of £5,000,000 should not be given unless the rights of Indians are duly protected.

These events indicate that the Imperial Government will not let down the Transvaal Indians, provided, of course, that the Transvaal

[1] *Vide* "Speech at Pretoria", pp. 139-40.

[2] Member of British Parliament. *Vide* Vol. VI, p. 11.

Indians, on their part, do not let themselves down. Everything depends on the strength they show by going to gaol.

[From Gujarati]

Indian Opinion, 10-8-1907

112. GENERAL SMUTS' REPLY

The South Africa British Indian Committee wrote a letter to General Botha, to which General Smuts has sent a reply. A telegraphic summary of the reply has appeared in *The Star* and other newspapers. This reply is a month old, and hence not much weight is to be attached to it. Since then much has happened the effects of which cannot be judged. But the reply sent by General Smuts a month ago shows that, if he can help it, he will not permit a single Indian to remain here. Rights in regard to ownership of land are not to be conceded, finger-prints will remain necessary, and tram regulations are in the interests of Indians! The same about railways. What else remains? And yet he argues that, since Indian leaders do not wish to submit to the law, he does not intend to consult them. In other words, he knows well enough himself what needs to be done to reduce the Indian community to slavery.

[From Gujarati]

Indian Opinion, 10-8-1907

113. ALLY'S LETTER

We think Mr. Ally has taken the right step in having written a letter to newspapers. Mr. Ally has a strong case. It cannot but have some effect in England as well as in South Africa. The harm done by his letter[1] to the Committee is partly undone by this letter. Mr. Ally is to go to Cape Town. If he wants, he can render patriotic service there. The Indians of Cape Town have started taking part in the struggle in the Transvaal. Mr. Ally can infuse vigour into this movement. We earnestly hope that he will give a good fight in Cape Town and that our Indian brethren there will seek his help. In this connection we have to point out that those who wish to help must support the gaol resolution, strengthen the spirit of the Transvaal Indians, and give financial help to those who suffer. Anything else that may be done will do harm rather than good.

[From Gujarati]

Indian Opinion, 10-8-1907

[1] *Vide* "Ally's Mistake", pp. 123-4.

114. OUR DUTY

In the current issue we publish two letters which mention the names of those who did not close their stores on July 31. We also publish the names we have received of those in Pretoria who have made applications for the title-deed of slavery. It is with exceeding regret that we publish these, but we hold that it is not proper for us to conceal the names of defaulters at a time when a great fight is being put up. We do not entertain any feeling of anger or ill-will against any one of them. However, we believe that by publishing the names in this manner we are rendering patriotic service. This is a time when Indians must cultivate the utmost strength and abjure all selfishness. Such being the case, we publish the names of weak persons, and hope that this will give strength to the others. We shall publish any statement that the persons concerned may have to make, provided it is briefly worded. We shall also publish letters of regret that those who realize their mistake may send us. We only wish them well, considering that they too are our countrymen. We expect that our readers also will have a similar feeling towards them. Anger, malice, arrogance, selfishness, violence—all these are not only useless in our fight—they are positively harmful.

[From Gujarati]

Indian Opinion, 10-8-1907

115. CAPE INDIANS

In our issue of July 27, we said that we would consider later what demands the Cape Indians should put up.[1] We do so now.

Among the hardships experienced in the Cape, one relates to the Immigration Law. It obliges an Indian going out of the Cape to take out a temporary pass tenable for a year. If one does not take out such pass and does not know English, one cannot return. In our view such a law is excessively harsh. It is not for a free man to take out such a "ticket of leave". Those who have earned the right of residence in the Cape should have their pass valid for all time once they take it out. If an Indian merchant stays away for more than a year, should it be impossible for him to return to the Cape to look after his business? The section prescribing such a time-limit should be repealed.

[1] *Vide* "Indians in Cape", pp. 125-6.

Moreover, a photograph is required of anyone taking out a temporary pass. In our view, it is more disgraceful to furnish a photograph than to give finger-prints. Such regulations ought to be abolished.

Another law concerns trading licences. In this matter one should have the right of appeal to the Supreme Court against the decision of the Licensing Officer. Also, the obligation on the hawkers to take out separate licences for each locality should be cancelled.

Amendments should be suggested to the special regulations pertaining to foot-paths and Locations now in force in East London. Also, a move should be made to have adequate educational facilities provided for the Indian community.

We hold that votes should be cast in favour of those candidates only who furnish satisfactory answers concerning these matters, and that, in the absence of such candidates, it is a matter of honour and duty for the Indian community not to exercise the vote at all.

[From Gujarati]

Indian Opinion, 10-8-1907

116. ESTCOURT APPEAL

We congratulate Estcourt Indians on their winning the appeal in regard to the question of municipal franchise. It has been ruled in this appeal that the Indian community has the right to vote at Local Board elections in Estcourt. The only question that remains is whether the petitioners own property of the requisite value. This success is nothing to make much of, for the Municipal Bill is still under consideration in Britain. But it appears that the Bill will not receive the approval of the Home Government, thanks to the efforts of the Committee. Even then, those who have applied should get their names enrolled in the voters' list. We do not think taking any further step will be desirable.

[From Gujarati]

Indian Opinion, 10-8-1907

117. ROSS'S LETTER

Mr. Ross, the General Manager of the Natal Railways, has sent a blunt refusal to the Indian community. We congratulate the community on receiving such a letter. For, the more they insult our religions and the more they despise the colour of our skin, the stronger will be our fight, provided we are in the right. A letter such as Mr. Ross's shows to what a miserable plight we have been reduced in South Africa. If we do not get our reasonable rights, we shall feel crushed by our own wealth. To a sensible man, money without honour is like a thorn. In

the Sahara Desert, anyone with gold bars in his pocket will find them like poison if he can get no drop of water anywhere. Similarly, in this country money without self-respect is likely to be veritable poison. We see no need just at present to take any steps on the letter of Mr. Ross. According to us, the solution of such problems depends on the outcome of the Transvaal struggle. If we beg for them often enough, our Moulvis and Christian and Hindu priests may probably get concession tickets at half rates. However, it is not a material question whether concession tickets are available or not. The real point is that, in the eyes of the whites, we are persons of no consequence and it is precisely this that causes all the mischief. In order that we may count [in their eyes], the only course for the Transvaal Indians is to fight desperately to the last —even unto death—and win glory. We shall then be the equals of those who have votes, though actually we may have none.

[From Gujarati]

Indian Opinion, 10-8-1907

118. MEANNESS OF DURBAN AGRICULTURAL SOCIETY

An Indian merchant contributing to our English section states that the Exhibition Committee has excluded Indians from participation in the Durban Exhibition. This is a very bad thing. We know that the whites are afraid of the industry of Indians. They seem to be afraid of Indian skill also. Thus they appear to be imitating the dog in the manger: they neither eat themselves nor let others do so. This behaviour of the Committee shows that we have only one duty now to win respect and dignity for ourselves. And that is, for the present at least, in the hands of the Transvaal Indians.

[From Gujarati]

Indian Opinion, 10-8-1907

119. OMAR HAJI AMOD ZAVERI

It appears from *Akhbar-e-Saudagar*[1] of June 18, that no sooner had Mr. Omar Zaveri[2] landed at Bombay than he started working for the Indian cause. Mr. Jagmohandas Shamaldas held a party at his bungalow in honour of Mr. Zaveri, where the latter gave a vivid account of the condition of Indians in South Africa. The same paper also publishes his

[1] A Gujarati journal published from Bombay

[2] Former Joint Honorary Secretary, Natal Indian Congress. *Vide* Vol. VI, pp. 460-1.

interview to its reporter, covering three columns. It gives a clear picture of the hardships experienced by us here and, by way of remedy, points out that the Indians in South Africa depend on the help of the 30 crores of Indians in India. In his speech Mr. Omar Zaveri once more declared his intention of becoming a barrister so as to be able to serve the country.

Commenting on all this, the editor of *Akhbar-e-Saudagar* supports the plea made by Mr. Omar Zaveri and appeals to the Indian community to extend help.

[From Gujarati]
Indian Opinion, 10-8-1907

120. PARSI LADY'S COURAGE

Mrs. Bhicaiji Rustomji K. R. Cama has written a letter in *The Sociologist* which is quoted by *Jam-e-Jamshed*. We draw the attention of our readers in the Transvaal to the following powerful words reproduced from it:

> Men and women of India! Listen to what I am saying and oppose this wicked Act. There is an old proverb that those who lose their freedom lose half their virtues. Therefore, come forward to fight for freedom, justice and truth. People of India! Resolve in your mind that it will be far better for the whole nation to die rather than live in such slavery. Fearless Rajputs, Sikhs, Pathans, Gurkhas, patriotic Marathas and Bengalees, spirited Parsis and brave Mahomedans, and last, you mild Jains and patient Hindus, children of a great nation, why do you not live as befits your ancient history? Why do you live thus in slavery? March ahead!

Mrs. Bhicaiji Cama has more than 20 years' experience of political life. At present she lives in Paris. She is full of patriotic fervour. Her words are addressed to India, but they also apply at present to Indians in the Transvaal.

[From Gujarati]
Indian Opinion, 10-8-1907

121. SPEECH AT HAMIDIA ISLAMIC SOCIETY[1]

JOHANNESBURG,
August 11, 1907

The Hamidia Islamic Society has been instilling courage and enthusiasm into the people by holding weekly meetings for the last two months or so. At the time of the mass meeting in Pretoria, it arranged to send 600 men by special train to help the residents of Pretoria. By this the Society has laid the community under obligation. We hope the Society will carry on its useful work. Although some people in Pretoria have registered themselves, they now regret having done so. Our plans have not been upset by this. The people in Pretoria have maintained our reputation, and those in Pietersburg have done even better. It is a matter for congratulation that not a single gentleman there has registered himself. Wherever the Government finds a weak spot, it opens a Registration Office[2]. I think Mr. Chamney might have even been told that the people at Pietersburg were weak and that they did not even attend the mass meeting. So the Government opened an office there. But, fortunately, Mr. Jusab Haji Vali and others got together and emphatically refused to submit, saying that they would accept only voluntary registration. They said that they would not submit to the poisonous law even if the Government deported them or sent them to gaol. The Government is now betraying signs of weakness. For, the two men who were in the Pietersburg gaol were induced somehow to give their finger-prints. This too is a disgraceful thing.

The Zoutpansberg Review points out that the Indian community is shrewd and capable, and it should be dealt with carefully. Our London Committee has also been very active these days. All this is the result of the mass meeting. We have thus begun to receive help from all sides. Even so, we must bear in mind that some of us will have to go to gaol. In that case, it is probable that I shall be the first to be arrested. The same is true of other leaders. But we are bound to win if you sustain the courage you have so far shown, even though they should lay hands on me and on the other leaders. They threaten us about the licences. But they are making a mistake. We can carry on business without licences. For this they may impose a fine on us and, if we do not pay it, they can send us to prison. But there is nothing in the Licensing Act to authorize them to deport

[1] At a meeting of the Hamidia Islamic Society, Gandhiji gave an account of the struggle against the Registration Act. This is a report of his speech.

[2] This has been referred to as Permit Office also.

us. So, let us not be afraid on this score either. Now the Registration Office will be moved to Potchefstroom and Klerksdorp. We shall go there, if invited. Otherwise, there is no need to do so.

[From Gujarati]

Indian Opinion, 17-8-1907

122. TELEGRAM TO PIETERSBURG INDIANS[1]

[JOHANNESBURG,
August 11, 1907]

SOCIETY CONGRATULATES PIETERSBURG INDIANS ON SPLENDIDLY CLEAN RECORD AND BRAVE STAND MADE. IF WE REMAIN FIRM TO THE END GOD WILL GRANT US SUCCESS.

[HAMIDIA ISLAMIC SOCIETY]

Indian Opinion, 17-8-1907

123. TELEGRAM TO POTCHEFSTROOM INDIANS[1]

[JOHANNESBURG,
August 11, 1907]

HOPE INDIANS THERE WILL AVOID PERMIT OFFICE PLAGUE. ITS TOUCH DEFILES OUR NATIONALITY AND VIOLATES OUR RELIGION.

[HAMIDIA ISLAMIC SOCIETY]

Indian Opinion, 17-8-1907

124. LETTER TO "RAND DAILY MAIL"

JOHANNESBURG,
August 12, 1907

TO
THE EDITOR
[*RAND DAILY MAIL*]

SIR,

You have commenced your special article on the Asiatic Act with the inflammatory heading, "Indians Will Not Pay Debts". The restrained language in this article shows that it is not ill meant. At the same time,

[1] Gandhiji addressed a meeting of the Hamidia Islamic Society held on August 11 at which it was decided to send telegrams to Pietersburg and Potchefstroom Indians. Presumably, he was responsible for the drafting of these telegrams.

it would certainly have been better and more serviceable to your readers if you had refrained from giving currency to what appears to be a fiction, until you had seen the leaders of the British Indian community, whose opinion, evidently, you did not know.

I may now be allowed to state that there is not, so far as I am aware, a single Indian of standing who has ever made a statement to the effect that every Indian "who is thrown into prison for passive resistance or loses his trading or hawking licence shall refuse to pay his debts". This would be quite contrary to the spirit of our struggle. We have undertaken it with a view to suffering ourselves, placing our sole reliance upon God. It would, therefore, be wicked if we were to cherish the thought and to repudiate our just debts. It is our belief, whether we be Mahomedans or Hindus, that all debts that are not paid in our present life will have to be liquidated with severe penalty in our next. On the great Judgment Day, we shall have to answer for our delinquencies, non-payment of debts not being the least of them.

We do want to exert pressure from every side. We undoubtedly want Imperial protection no less than the sympathy of the Colonists and even the Government, but we have no desire to do so by means that cannot be called scrupulously clean and honest. Our one and only weapon of defence against what we consider to be an unwarrantable attack on our personal freedom and honour is to show the people of South Africa and the citizens of the great Empire, of which we claim to be members equally with the whites, that we are men enough to suffer for what we conscientiously believe to be a great wrong.

I have seen as many of my fellow-merchants as I hurriedly could. They are Messrs M. C. Camroodeen and Co., M. S. Coovadia, M. A. Karodia, A. F. Camay and Co., Amod Moosajee and Co., M. P. Fancy, Mahomed Oosen and Co., and Jussab Ebrahim, and between us we have paid, during the last month and up to today, roughly speaking, £18,000 to the European wholesale houses whether here or in London. Some of us, in order to prepare for contingencies, have even paid our debts before maturity. It is true that many of us have cancelled orders in view of the struggle. This is only fair to the wholesale houses and to ourselves. We are sorry that, by our so doing, the latter have to suffer in common with us, but that is inevitable.

I am, etc.,

ESSOP ISMAIL MIA,

MANAGING PARTNER OF SULIMAN ISMAIL MIA AND CO.,

AND ACTING CHAIRMAN,

BRITISH INDIAN ASSOCIATION

Rand Daily Mail, 13-8-1907

125. LETTER TO PRIVATE SECRETARY TO GENERAL SMUTS

JOHANNESBURG,
August 15, 1907

THE PRIVATE SECRETARY TO GENERAL SMUTS
PRETORIA

SIR,

I have the honour to acknowledge the receipt of your letter of the 14th instant in reply to mine of the 8th instant in connection with the Asiatic Law Amendment Act. I beg to tender my thanks to General Smuts for having frankly stated his views[1] about the Act in question.

In my humble opinion, the amendments suggested by me would carry out the essential spirit of the Asiatic Law Amendment Act, namely, the identification of every Asiatic entitled to remain in the Colony.

I offer no apology for drawing the General's attention to the solemn declaration of British Indians with reference to the Act. So far as I am in a position to advise my countrymen, it is not possible for me, be the consequences what they may, to tell them to deviate from such a deliberate declaration, and, if, even at the eleventh hour, it is possible for General Smuts to respect that declaration without infringing upon the scope of the Act, I venture to request his sympathy and assistance. I have never blinded myself to the probable results of my countrymen's following the advice given to them by me, namely, that every Indian is liable to undergo imprisonment, and traders and hawkers are liable to be deprived of their trade licences, and leaders to be deported, should the Immigrants' Restriction Bill be placed on the Statute-book of the Colony. But, with deference, I beg to state that the compliance with the Act would be far worse than anything that could happen to them by non-compliance.

This correspondence, on my part, is in the nature of a personal appeal to General Smuts, and is private, but, as I am anxious that the intentions of the Government should be as widely and accurately placed

[1] The Private Secretary to General Smuts had written, *inter alia:* ". . . I am instructed to inform you that Mr. Smuts is unable to entertain the amendments put forward by you to the Immigrants' Restriction Bill, as such amendments of that Bill would, if they were possible, altogether nullify the provisions of the Asiatic Law Amendment Act, 1907, and further because their adoption at this stage of the Bill is impossible. . . . The Colonial Secretary will carry out in full the provisions of the Asiatic Law Amendment Act and if the resistance of the Indians residing in this country leads to results which they do not seriously face at present, they will have only themselves and their leaders to blame."

before my countrymen as possible, if General Smuts has no objection, I would like to publish this correspondence.[1]

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Indian Opinion, 24-8-1907

126. IMPLICATIONS OF INDIAN OFFER

The Permit Office has been perambulating in the Transvaal. Like touts, officers move from house to house trying to mislead the people and persuading them to take out the registers according to the new law. Moreover, they cross-examine people to know what our demands are. It is therefore necessary for every Indian to know what voluntary registration means. We are glad to see that the common people are being thus put to the test. The new law is such that it is necessary for every Indian to know clearly what it means and judge it independently for himself. It is not surprising that the people are being tested. If we fail to give proper replies, that will, no doubt, be surprising. Let us therefore consider the implications of voluntary registration.

In so far as the law is concerned, the Government can compel people to take out new registers. Not only that; it can also insist on their being renewed from time to time. Moreover, people may be required to give their finger-prints at any time. Children's finger-prints may also be demanded. Finger-prints may be required at the time of taking out a licence. Briefly, the Government has been empowered to enforce all the obnoxious provisions of the new law and of the Regulations made under it. This is not acceptable to us. Instead, we say that we are willing, with a view to removing the suspicion of the Government, to exchange our present permits for new ones. The new law should not apply to those who get their permits voluntarily exchanged in this manner. None of its provisions should apply to us. That is, we should not be required to give finger-prints at any and every stage. If every Indian thus voluntarily takes out the new register, the obnoxious law will be altogether nullified. It will apply only to an Indian who, through inadvertence or on purpose, fails to get his permit exchanged. There is thus a very great difference between our demand and the law of the Government. To submit to the Government law is like riding an ass. If

[1] This appeared in *Indian Opinion*, 24-8-1907; *vide* "Letter to *Indian Opinion*", pp. 174-5.

the Indian community does so, it will invite public ridicule. Our demand means riding an elephant and will bring us honour and regal dignity.

Apart from this demand, some gentlemen from Pretoria have, through a lawyer, addressed a letter to Mr. Smuts which we may now consider. They have placed before Mr. Smuts a demand for some amendments to the law. We think this is only trifling with the problem. If one is suffering from fistula but treats it as an ordinary abscess, some external application may bring about a superficial healing. And so it happens, sometimes, that a person suffering from fistula believes that he has been radically cured of the disease, but in fact the disease is active under the surface that has healed up. The deluded patient is shocked to find in a few days a fresh abscess appearing at another place. As long as he does not take the treatment for fistula, abscesses go on appearing and subsiding. Similar, we think, is the case with the letter referred to above. The new law, which is like fistula, cannot be treated by a letter which asks for the deletion of two or three things. It is only a palliative and in the long run will do harm. Every Indian should realize that there is no effective treatment for this fistula-like law other than a major operation with the surgical knife. Hence, whenever questions are asked regarding the new law, we have to state categorically that our demand is nothing short of the repeal of the entire law. To show that, in case the law is repealed, we have no intention of sheltering liars, we are willing to take out voluntary registers. But after they are taken out, we do not want the constant pinpricks of the law.

[From Gujarati]
Indian Opinion, 17-8-1907

127. CONGRATULATIONS TO PIETERSBURG

Pretoria put up a good show. But Pietersburg was beyond praise. Not a single black sheep was found there. The boycott of the Permit Office proved one hundred per cent. successful. The Permit Office was sent back as hungry as it had come. Moreover, to prevent that spectre from having a foothold in Pietersburg, they had sent a petition to the Government in advance, stating that they did not want that office there. No town can do more than this. No town should do less.

It does not in the least detract from the honour of Pietersburg that permits were forced on two prisoners. When there is a famine in the country, starving people eat all kinds of things to satisfy hunger. A starving dog will not spare even refuse. In like manner, the officers of the murderous Act, deprived of their prey, behaved like starving men by forcing permits on prisoners; it can be seen from this that there is no

self-respect in the new permits, only humiliation. We congratulate Pietersburg. The people of Pietersburg committed a great crime in not closing their shops on the last day of July; they have now atoned for that, thereby re-joining the ranks of other brave Indians. In this hour of glory, they must remember that the real struggle is yet to come. The time is drawing near when people will have to go to gaol and show that their country is dearer to them than wealth and position. At that time, too, we trust Pietersburg will respond bravely.

[From Gujarati]
Indian Opinion, 17-8-1907

128. HANUMAN'S TAIL

It is said that when Hanuman [the Monkey-God of the *Ramayana*,] desired to set Lanka on fire, his tail grew heavier in weight as he went further.[1] Similarly, the Office for new registers, as it travels further, carries a greater and greater burden with it. When the Pretoria Notice was issued, all Indians at Pretoria were required to register themselves. When the Office went to Pietersburg, the right to register there was extended to the residents of Pretoria also. At Potchefstroom, besides local Indians, Indians of Pretoria and Pietersburg too were allowed to register themselves. At Klerksdorp, Indians from all the three places mentioned above will have the opportunity of taking out the title-deed of slavery. Thus, the tail of the Permit Office is growing longer and longer. We express sympathy for our Indian brethren at Pretoria, for Pretoria will not be let off even when the Office has shifted to the last place. Can it be that this punishment is inflicted on Pretoria just because a somewhat larger number of black sheep were found there? But between the case of Hanuman and that of this Office there is a great difference. The more rags they wound round Hanuman's tail and the more oil they poured on it, the greater was the fire in the city of Lanka, though Hanuman did not feel its heat. But the task of the Permit Office is to enforce the obnoxious law, and therefore, it will probably happen that both the law and the Office will be burnt to ashes by the travels of the Office. For, it will not be possible to destroy by fire the Lanka of the Indian community. The community is guiltless. The culprit is the incendiary law itself.

[From Gujarati]
Indian Opinion, 17-8-1907

[1] According to the *Ramayana*, his tail became longer and longer.

129. WARNING TO NATAL MERCHANTS

The Natal *Government Gazette* has published a Bill which, if passed, will require every merchant intending to sell his business or shop to give a fortnight's notice through the *Gazette* and a local newspaper. A similar notice will also have to be published by anyone desiring to take out a new licence. Both these provisions are harsh, but it will not be possible for the Indian community to oppose them as they apply to all. The same Bill also includes another provision to the effect that, unless a special contract exists, it will not be competent for a court of law to allow more than eight per cent. interest on time-barred debts. A contract will not be nullified on the ground that the merchant concerned has charged exorbitantly for a particular commodity. This is an official Bill and is likely to be passed.

[From Gujarati]

Indian Opinion, 17-8-1907

130. IS THERE TREACHERY?

After we had almost finished writing for this issue, we heard that the list of the Pretoria black sheep given by us was not complete. The names in the last issue included some Memons and one Hindu.[1] We have now come to know that some Konkanis are also among them. The following are their names:[2]

We have also heard that at Pietersburg the two Indians undergoing gaol sentences are not the only ones to have registered themselves; there are about four more. If true, this is very regrettable. There are, it appears, some men in the community who show misguided courage and blacken their faces. At Pretoria the Konkanis have emphatically declared that none of them has applied for the new permit. In Pietersburg, on the other hand, the four men referred to above are also among the signatories to the petition submitted to the Colonial Secretary. Both these acts of treachery are very grave. That such traitors are very few is a matter for congratulation. However, the presence of such people in the community should serve as a serious warning to good men. All this reminds one of the story of the axe and its handle. The harm done by the obnoxious law or by the Government could not be so great as

[1] *Vide* "Our Duty", p. 155.

[2] Nine names given in the original are not reproduced here.

that done by such men. A person who openly takes out the new register may be credited with some sort of courage. But what simile shall we use to describe the man who takes out the register stealthily and then parades as respectable?

[From Gujarati]
Indian Opinion, 17-8-1907

131. CONFLAGRATION IN MOROCCO

There is a fierce fire raging in Morocco at present. Raisooli has created terror there. At Tangier there are plunder and rapine. A number of men have been killed. Two hundred women are under arrest. Raping too is going on. The Jews have suffered the most. In Casablanca there is complete anarchy. Such is the news given by Reuter. Reuter further adds that the Sultan of Morocco has stated that, if a European army went there, even the few clans now under his control would get out of hand. We are not in a position to find out how much of this is true. It is said that Sir Harry Maclean has now been released by Raisooli. A German, writing of Raisooli, describes him as a brave and handsome soldier. As a child he fell into the habit of cattle-lifting. For some time he was appointed Governor of Tangier. But, for some years past, he has been living as an outlaw or dacoit. He had many whites captured. He lives always ready for death, certain that he will meet a violent death at someone's hands. Attempts to kill Raisooli were made by many, but he is so alert and quick that he eludes everyone. We hope to give later an account of the reasons why such chaos reigns in Morocco and of such other things, so that our readers may be able to judge better what is happening there.

[From Gujarati]
Indian Opinion, 17-8-1907

132. HAGGAR'S NEW STEP

Mr. Haggar has been assiduously after Indians. He is always up to something or other. Now he wants to throw out of job the poor Indians working on engines for their livelihood. His new idea is to bring up before the Parliament a Bill preventing any Indian from working except under a European supervisor. If such a law comes into force, it is likely to deprive some Indians of their means of livelihood. But it may be hoped that the Bill will not be passed.

[From Gujarati]
Indian Opinion, 17-8-1907

133. ACT TO PREVENT JUVENILE SMOKING

This Act was recently passed by the Natal Parliament. We give below the substance of each section.

(1) It will be unlawful for any person under 16 years of age to smoke tobacco, a cigar, or a cigarette. If any tobacco, tobacco-pipe, cigar, cigarette or cigarette-holder is found [on such person], a white police officer may take possession of the same and hand it over to the Government.

(2) If any school-going boy is found with a cigarette or any of the other things mentioned above, the school-teacher shall take them away and hand them over to the guardian of the boy. If any students are found smoking tobacco, they will be considered guilty of breach of school discipline and will be liable to be punished accordingly.

(3) No one should supply or sell tobacco, a cigar or a cigarette to a person under 16 years of age without a note from parents, the guardian or the employer. The note or order should state that the cigarette, etc., is for the use of a person above 16 years of age and that it will be delivered into the hands of the signatory. It will be unlawful to supply or sell cigarettes, etc., to a person under 16 years of age in the absence of such a note. Anyone violating this section will be liable to be punished with a fine up to £5 or imprisonment extending to one month for every offence.

(4) Any person, not being a parent or guardian or employer, who sends a person under 16 years of age to buy cigarettes, etc., will be liable to be punished with a fine up to £5 or imprisonment extending to one month.

(5) If in connection with this Act there arises any doubt regarding the age of a person, the apparent age of such person as determined by the court will be taken as correct in the absence of satisfactory evidence to the contrary.

(6) This Act will be known as the Prevention of Smoking Act of 1907.

[From Gujarati]
Indian Opinion, 17-8-1907

134. JOHANNESBURG LETTER

PIETERSBURG IN FULL SPLENDOUR

Pietersburg's bravery is being praised everywhere. Now the raid will be on Potchefstroom and Klerksdorp. They cannot do better than Pietersburg. None is to do less than Pietersburg. Both the Press and the public have been stirred by the spirit shown by Pietersburg. The mercury in the Indian barometer has indeed risen. Pietersburg has brought our success a little nearer. At Pietersburg, as at Pretoria, volunteers were enlisted. The following are their names:

Messrs Hansraj, A. Gakel, D. H. Jooma, Tayob N. Mahomed, Cassim Suleman, A. Desai, Goolab and the Head Volunteer, Mr. Hasim Mahomed Kala.

These heroes deserve praise.

"WITHOUT BREAKFAST"

Telegrams of encouragement were received by many Indians, one of whom sent an immediate reply that the Permit Office would have to leave Pietersburg "without breakfast". That is, Indians are the game the Office is seeking. If no Indians registered themselves, the Office would be considered to have starved. The fast would not be broken, and the Office would therefore have left "without breakfast". The applications for registration made by prisoners must be, of course, left out of account.

TELEGRAM TO PIETERSBURG

A congratulatory telegram has been despatched by the Association and the Hamidia Society. In its message of congratulations, the Society says, "If we remain firm to the end, God will grant us success."[1]

POTCHEFSTROOM AND KLERKSDORP

By the end of this week the Office will have shifted to both these places. The Hamidia Society has therefore sent to them the following telegram:[2]

From both these places immediate replies were received, saying that both were very firm. None was likely to take out new registers. The people there say: "We need no help from Johannesburg. We are

[1] For the text, *vide* "Telegram to Pietersburg Indians", p. 160.

[2] For the text, *vide* "Telegram to Potchefstroom Indians", p. 160.

loyal to the oath we took at the Empire Theatre." I wish all Indians would maintain such courage to the end.

Effect of Our Struggle

So far, it may be said, our struggle has had a good effect. It is stated in the *Rand Daily Mail* that Indians are in debt to the whites, and that if Indians went to gaol or did not get licences, they would not pay their debts. The writer in the *Mail* has picked up such a rumour, and he says further that there was no knowing the minds of the Indian leaders. The white merchants seem to have been scared by such news. This should be taken as a good result. Now they do not ridicule us but recognize that the situation is delicate. Moreover, the writer in the *Mail* adds that the Indians are being helped by very influential men in England. He says that Mr. Ritch has been working in their behalf, and that a hundred Members of Parliament have expressed their intention to oppose the loan of £5,000,000 to the Transvaal if Indian grievances are not redressed.

Essop Mia's Reply

To the above-mentioned article, Mr. Essop Mia has replied as under:[1]

Comment by "The Star"

Immediately, *The Star* published a long note on the *Daily Mail* article. It is given below:[2]

> The passive resistance movement initiated by the British Indian Association has so far been effective, and the leaders of the Indians are sanguine that the Act will not be enforced to its final issue—the imprisonment and expulsion of those who have not complied with compulsory registration. It is held that the methods resorted to in the capital to induce the Indians to comply with the new law resulted in only about 70 registering. The Indians in Pietersburg and Zoutpansberg refused to register. Their brethren of Potchefstroom and Klerksdorp have notified their intention of falling into line. The Indians in Johannesburg are numerous, and in many instances wealthy, and they have resolved to resist the law. A good deal of speculation is being indulged in among Indians as to whether the Government will extend the operation of the Act to Johannesburg. The Government is proceeding gradually, and when Mr. Chamney, of the Indian Registration Office, reports, some definite action will be taken. So far there is no indication that the Government will hesitate in requiring the Indians in Johannesburg to register.
>
> Indian merchants are gradually preparing for the eventuality that may require their leaving the country. Mr. Chamnay, a Parsee, and a senior partner in Chamnay & Co., wholesale merchants, informed a *Star* representative today

[1] Here followed "Letter to *Rand Daily Mail*", *vide* pp. 160-1.

[2] The text is reproduced from the English section of *Indian Opinion*.

> that he has cancelled his oversea orders, and is reducing his stock to such dimensions that it can be easily handled. His example is being generally followed. At the same time the Indian merchants give an emphatic denial to the statement published by a contemporary that they are refusing to pay their debts or contemplate doing so. One merchant paid bills this morning aggregating £437, and last week he met accounts standing at £681. Another paid £700 this morning. No such advice has been tendered to any class of Indians by the Association, and the executive were astonished at the suggestion.
>
> Mr. M. K. Gandhi, the well-known Indian barrister, is the leader of the passive resistance movement. He has certainly marshalled his forces well, and the Indians as a rule are prepared to follow him to the extreme.

All this proves that the strength displayed by Indians is now bearing fruit.

Vrededorp Ordinance

The problem of this Ordinance is now over. The original [Bill] has been dropped and a new one passed. According to this, it will not be possible to oust Indians for four years, and after that period compensation will be allowed for damages suffered by Indians. As a notice of four years is given, the compensation will include not the loss of trade or dues, but the value of buildings constructed. Therefore, Vrededorp Indian merchants should now take it that they have been given four years' respite. The credit for this success goes to Mr. Ritch. This is the fruit of his persevering work in England. The provision that, after four years, no Coloured person will be able to stay except as a servant has been retained. That provision will not be removed. This is shown by Mr. Smuts' reply. But four years is a long period. "If the Indian heroes go to the gaol-palace,"[1] Indians may be able to stay on at Vrededorp also. That would be an extra gain, of course, a gift in addition to the salver of pearls.

M. S. Coovadia

News is received from home that the wife of Mr. M. S. Coovadia, the Treasurer of the Association, has passed away. I am grieved to give this information and condole with Mr. Coovadia in his bereavement.

Mahomed Essop Shaheri

Mr. Mahomed Essop Shaheri, who is a member of the Hamidia Islamic Society, is going on a pilgrimage to Mecca towards the end of this month. I wish him success in his undertaking.

[1] This appears to be quoted from one of the poems submitted for the prize competition, *vide* "Prize Poem on New Law", pp. 48-9.

Hamidia Meeting

The Hamidia Islamic Society has been exerting itself with full vigour in the matter of the new law. Every week it holds meetings which Indians of all communities attend. At the meeting held last Sunday, Emam Abdool Cadir took the chair. Mr. Gandhi explained the position. He was followed by Mr. Essop Mia. He said that people must maintain all their courage even if Mr. Gandhi were to be gaoled or deported this time. Money also was needed, and those who had it ought to give it. Thereafter the meeting was addressed by Moulvi Saheb Ahmed Mukhtiar and Maharaj Ram Sundar Pundit. After a short speech by Mr. Amod Coovadia, praising the efforts of Mr. Polak, the Chairman declared the meeting closed.

What about Dependants of Those Going to Gaol?

The reply to this question has been given several times in these columns. But the question is asked again and hence I repeat the reply. As I understand the matter, those who are ready to go to gaol will have made all possible arrangements. The responsibility to be borne by the community will therefore be limited. It will not happen that all the men in an establishment or a locality are arrested at the same time. If this assumption is right, the families and property of those who are arrested will be looked after by their friends and relatives. We know that this is what happens when a person is arrested under some other law. However, that is not enough. The Association will indeed look after the affairs of anyone arrested for defying the new law. Where his family lives, what its condition is, and whether there is anyone to look after it—the Association will make all these inquiries. In case the family is poor, arrangements for its maintenance will be made. In other words, the man arrested under the new law stands the chance of double aid: his shop and family will be looked after to his satisfaction, and if the occasion requires it, he will have the benefit of the donations that may be received as a result of the offers made by brave men like Mr. Parsee Rustomjee. In this struggle we are to sacrifice ourselves for the sake of truth. Hence, at every step, we shall receive God's help. Such help He does not Himself give by coming down into this world in person. Rather, living in the hearts of men, He inspires them to do deeds of benefaction. The fact that questions such as the above are raised shows that this is the first time that we have undertaken public work of such magnitude. There is, therefore, some reason for fear. But a little reflection will make it plain to all that there is no reason for losing one's nerve. The question has also been asked as to what will happen if all the 13,000 Indians are sent to gaol simultaneously. Who will

then look after the children? This question results from sheer fear. Such a question will never occur to anyone with the slightest faith in God. How should it then be raised by the Indian, who always lives in fear of God? We shall not have the good fortune of 13,000 Indians being arrested simultaneously; and in case this happens, let us all remember that there is the Almighty to look after those that may be left behind. If such a question can be asked, one may as well ask who will look after the dependants if, with an earthquake, all the 13,000 Indians were to disappear. What great crime have the arrested persons committed that their children or their property alone should go uncared for? But supposing they have to suffer this, why should we not render that much patriotic service? If we do not, how shall we command respect and honour? How shall we be regarded as patriots? Therefore:

If the lamp of love is lighted in the heart,
Love dearer than life,
On the side of courage will the Almighty be,
It's ever so, my friends.

Brave Indian

Having been asked at the Permit Office to give his finger prints, Bakhtawar, an Indian from Calcutta, refused to comply. Then he was asked to apply under the new law. This too he refused to do. Every Indian ought to have such courage.

Efforts in London

A vigorous agitation is being carried on in London against the obnoxious law. Questions are constantly being asked by many Members [in Parliament]. In reply to one question, Mr. Churchill said that the Imperial Government could not interfere with the implementation of the law. I find that people have been a little scared by such a reply. But there is no reason for being scared. For, in the first place, we are relying on our own courage in carrying on the fight. Whether the Imperial Government intervenes or not, we shall not do what we believe to be evil. In the second place, though the Government may not interfere with the enactment of the law, it cannot but do so if the law results in oppression. If it does not, its prestige will be lost and ultimately the British Empire will come to an end. The only interpretation I can put on Mr. Churchill's reply is that, whatever his public utterances, it will be impossible for him to avoid intervention at the right time. That right time will come after we go to gaol.

Need for Caution

The case against Mr. Suleman Wadi of Krugersdorp for selling liquor to a Native was heard on Wednesday. Two white and two Native

detectives deposed that he had sold half a bottle of liquor. Mr. Stegmann and Mr. Gandhi appeared on his behalf. They tried hard. It was said in evidence that the sale of liquor was against religion. The bank accountant and other whites deposed in their evidence that Mr. Wadi was a very respectable person. The fact appears to be that the case against Mr. Wadi has been concocted and that he is innocent. However, the magistrate found him guilty and sentenced him to six months' imprisonment. Mr. Wadi has gone in appeal. The result cannot be predicted. But every Indian has to be cautious. The whites as well as the Natives will not be afraid of trapping other people to serve their own interest. As Mr. Wadi is innocent, he has nothing to be ashamed of. Shame lies not in being gaoled, but in committing a crime. It is true that he has been put to unnecessary expense and that people not knowing the facts may think ill of him.

[From Gujarati]
Indian Opinion, 17-8-1907

135. LETTER TO "INDIAN OPINION"

JOHANNESBURG,
August 17, 1907

THE EDITOR
INDIAN OPINION

SIR,

I beg to enclose herewith for publication copy of the correspondence[1] that has passed between General Smuts and myself regarding the Asiatic Law Amendment Act. The question, in my humble opinion, has assumed more than parochial importance. Up to the last moment, I shall continue to believe that the humanity of the Colonists will get the upper hand of their prejudice and that, if my countrymen undergo the suffering they seem to have resolved upon doing, the justice of their claims will be recognised. But, whether this is so or not, I can only give one advice, and that is to prefer fearlessly the fulfilment of their solemn declaration to serving their self-interest.

It is, therefore, necessary that my countrymen should know the emphatic warning[2] given by General Smuts in his letter. It is also, perhaps, necessary for the public, in whose name the Act has been passed

[1] *Vide* letters to Private Secretary to General Smuts, pp. 147-9 and 162-3.
[2] *Vide* footnote to "Letter to Private Secretary to General Smuts", p. 162.

and is being administered, to know that the alternative I have humbly ventured to offer completely meets the difficulty. It identifies every Asiatic resident in the Colony and, unlike the Asiatic Act, it determines once for all the number of Asiatics who (except those few who may be able to take advantage of the educational clause of the Immigration Bill) will be entitled to remain in the Colony. The bedrock question, therefore, so far as I am in a position to see, is not one of finger-prints or other details, but it is, broadly, whether the Government should at all meet Indian sentiment, unrepresented though Indians are at the polls, or whether, if the Government do not, Indians, to be true to their God and themselves, will sacrifice all.

I am, etc.,
M. K. GANDHI

Indian Opinion, 24-8-1907

136. LETTER TO "THE STAR"[1]

JOHANNESBURG,
August 19, 1907

TO
THE EDITOR
THE STAR
[JOHANNESBURG]

SIR,

In honouring by a leaderette what you please to call my "scheme"[2] with reference to the Asiatic Law Amendment Act, you have done it and me less than justice by studying it superficially. By admitting the clauses, as per my draft, into the Immigration Bill, the Government get the legal right to recall every permit and, in place thereof, to issue certificates of domicile to every *bona fide* Asiatic resident of the Transvaal. What form such certificates should take has, if you will re-read my draft, been left to the Government to fix by regulation. The question, therefore, of finger-prints is not made an issue at all nor, so far as I am concerned, has it ever been a fundamental point, the main objection being against the compulsion and the odour of criminality about the Act. The draft submitted by me would enable the Government to ascertain the exact number of Asiatics entitled to claim domiciliary

[1] This was reproduced in *Indian Opinion*, 24-8-1907.
[2] The reference is to the proposal submitted with "Letter to Private Secretary to General Smuts", pp. 148-9.

rights in the Colony and such Asiatics would be completely identified. What the draft does leave out are the elaborate machinery and the penalties provided in the Asiatic Registration Act, and it leaves children under the age of 16 free from molestation, and avoids the pin-prick inspection, with the power to take, at every street corner, identification particulars contemplated by the Registration Act. But I submit that any surreptitious entry on the part of children is completely checked by reason of the provision that, on attaining the age of 16 years, they must also take out certificates of domicile, and by stating on the certificates of domicile the number of children under 16 years. But, if my scheme be considered faulty, the principle of embodying identification legislation in the Immigration Bill can hardly be so considered, and any defects that I may have overlooked can be remedied. The question, therefore, still remains whether the public will take sufficient interest in the welfare of Indian subjects of His Majesty to seriously study the alternative proposed.

With reference to the other portion of your leaderette[1], I can only say that, if an honourable status be [not][2] guaranteed to my countrymen, no matter how humble they may be, imprisonment, deportation, and any other similar calamity would be comparatively a boon as against a surrender of their self-respect and a reversal of their solemn declaration. Of one thing I can give an emphatic assurance, namely, that there is not a single Indian who does not dislike the Act from the bottom of his heart. I know most of those who have accepted registration under the Act in Pretoria, and I know this that they admit having committed a crime against their nationality and their God, but they have done so because, in their own words, they prized their pockets more than their honour.

I am, etc.,
M. K. GANDHI

The Star, 20-8-1907

[1] This read : ". . . The grave blunder that Mr. Gandhi and his fellow-leaders have made has been in supposing that there was no limit to the length to which British Liberals could be induced to go in support of tactics borrowed from the English Radical Nonconformists. Now that he has discovered his mistake, we trust he will retire from an untenable position, or at any rate leave the uncultured section of his countrymen to determine their future course of action according to their own common sense. Should the majority of them decide to set the law at defiance and bear the consequence—including the surrender of their trading rights—the Transvaal Government will be legally and morally guiltless. . . . "

[2] This is in the *Indian Opinion* version, obviously an omission here.

137. APPEAL TO INDIAN MUSLIMS[1]

JOHANNESBURG,
August 19, 1907

We, the undersigned Mahomedan merchants, and being Chairman, Secretary, and members of the Hamidia Islamic Society of the Transvaal, hereby bring to your notice the state to which Mahomedan Indians will be reduced under the Asiatic Law Amendment Act. We presume that you have acquainted yourself with the principal objections to the Act. But we will draw your attention to one especially which affects us as Moslems. It is the section which applies the Act to Turkish Mahomedans, whereas it exempts Turkish Christians and Jews.

The Act, indeed, applies to all Indians and, therefore, the whole of the Indian public is concerned with it. But it applies with double rigour to the Mahomedans in that it specially insults our religion and hurts the self-respect of Mahomedan Indians more than others in that they form the wealthier and more respectable portion of the community.

We may state that, fortunately, in South Africa, there is no antipathy between Mahomedans and Hindus. We all live together in peace and friendship as Indians, and associate together with freedom and carry on a joint battle against prejudice and oppression against us. If, therefore, we lay stress upon the grievance as it affects us, we do so only in order to draw the attention of Mahomedans all over India to our precarious position, in order that we secure your most active assistance in our struggle. And we venture to ask you, as Mahomedans and Indians, to extend to us your sympathy by pleading our case before the Government and in any other manner you may consider desirable. Whilst we are receiving much help from England, even the white Colonists who sympathise with us ask what India, our Motherland, is doing for us.

We remain,
EMAM ABDOOL CADIR SALIM BAWAZEER, CHAIRMAN
M. P. FANCY, SECRETARY
EBRAHIM SALEJEE COOVADIA, TREASURER
ESSOP ISMAIL MIA, PATRON
ABDOOL GANI, OF M. C. CAMROODEEN & CO., PATRON
[AND 33 OTHERS]

Indian Opinion, 31-8-1907

[1] Presumably, this was drafted by Gandhiji who wanted it to be circulated in India; *vide* "Suggestion to Readers", pp. 186-7 and "Hamidia Islamic Society's Letter", p. 190.

138. *LETTER TO "THE STAR"*[1]

JOHANNESBURG,
August 20, 1907

TO
THE EDITOR
THE STAR
[JOHANNESBURG]

SIR,

I am obliged once more reluctantly to trespass upon your courtesy. May I say that you have still not fully read the draft[2]? What I have suggested is not a repeal of some of the provisions of the Asiatic Act, and thus having a little of that and more of the Immigration Bill, but a total repeal of the former, holding, as I do, that my proposal gives everything to the Colonists without giving serious offence to my countrymen. It is not possible for me to burden you with long extracts from what has been written by my fellow-workers and myself to show that, though the question of finger-prints has always been treated as a very serious incident in a highly objectionable Act, it has never been as one of paramount importance *per se*, except when it was intended to operate as a compulsory requirement. You will further easily recollect the fact that we voluntarily attached finger-prints to the permits that were issued under Lord Milner's advice.[3] Then it was a matter of doing it voluntarily and then, too, of giving [impression of] only one thumb. In the Asiatic Act, it is a question of giving ten finger-prints, and that, also, not once but as often as the authorities wish to exact them. Even if I advised my countrymen to give ten finger-prints voluntarily, I feel my advice will be summarily rejected. I need not, however, go further. I am sorry that the Indian side of the question cannot yet be studied seriously and dispassionately. My countrymen can only say that, though the whole of the white Transvaal be against us, God is still with us.

I am, etc.,
M. K. GANDHI

The Star, 21-8-1907

[1] This was reproduced in *Indian Opinion*, 24-8-1907.
[2] *Vide* "Letter to Private Secretary to General Smuts", pp. 147-9.
[3] *Vide* Vol. III, pp. 301-8.

139. LETTER TO "RAND DAILY MAIL"

[JOHANNESBURG,]
August 20, 1907

TO
THE EDITOR
RAND DAILY MAIL
[JOHANNESBURG]

SIR,

In the leaderette with which you have honoured my proposal submitted to General Smuts, you advise the Asiatic population to "think better of a resolve made in a moment of enthusiasm and probably without a full realisation of the seriousness of offering organised resistance to the law in a country with a large semi-savage native population". It is strange that you should consider a resolve adhered to for the last ten months as one "made in a moment of enthusiasm".

The reason, however, that I write these few lines is to ascertain whether it is possible for you to inform the public as to the connection between the "seriousness of offering organised resistance to the law" and a "large semi-savage native population". I wonder whether that population is to be set upon British Indians because they cannot bring themselves to accept a law whose effect is to unman them!

I am, etc.,
M. K. GANDHI

Rand Daily Mail, 22-8-1907

140. PETITION TO SECRETARY OF STATE FOR COLONIES[1]

P. O. Box 6522,
JOHANNESBURG,
August 23, 1907

TO
THE RIGHT HON'BLE THE SECRETARY OF STATE
FOR THE COLONIES
LONDON

THE PETITION OF THE CHAIRMAN OF THE BRITISH INDIAN ASSOCIATION OF THE TRANSVAAL

HUMBLY SHEWETH THAT:

The Committee of the British Indian Association of the Transvaal respectfully approaches His Majesty's Government regarding the Immigrants' Restriction Bill passed by the Transvaal Parliament.

The said Committee humbly approached both Houses of the said Parliament with respect to the measure, as will more fully appear on reference to copies of the petitions[2] presented to the said Houses and annexed hereto, marked A and B.

The said Committee respectfully submits that the said Bill is open to objection on the following grounds, in that:

(1) It gives permanence to the Asiatic Law Amendment Act.

(2) It disregards the right of residence of those British Indians who settled in the Transvaal before the war and, in many cases, even paid £3 as the price of their residence in virtue of Law 3 of 1885, but who have not been able to return to the Transvaal either because they, having applied, have not received permits to return, or because they have not yet applied for such permits under the Peace Preservation Ordinance.

(3) It does not recognise any of the Indian languages as part of the educational test required by the Bill.

(4) Sub-section 4 of Section 2[3] of the Bill requires even Indians who may pass the education test prescribed by the Bill to be subject to the Asiatic Law Amendment Act.

[1] This was published in *Indian Opinion*, 31-8-1907 and a Gujarati version of it in the issue of 24-8-1907.

[2] *Vide* "Petition to Transvaal Legislative Assembly", pp. 92-3 and "Petition to Transvaal Legislative Council", pp. 115-6.

[3] *Vide* Appendix C to the petition, pp. 184-5.

(5) It makes no provision for facilities to the Indian merchants already settled in the Transvaal for temporarily importing confidential clerks and assistants or domestic servants.

(6) Sub-section C of Section 6 of the Bill gives the power for physical and forcible deportation of those affected by the Asiatic Law Amendment Act.

Argument on the Above

The said Committee would now crave leave to discuss seriatim the aforementioned grounds of objection.

First Ground

As His Majesty's Government is aware, the Asiatic Law Amendment Act continues to cause the greatest irritation to the British Indian community residing in the Transvaal. Its provisions are felt to be so insulting and injurious to the self-respect of that community, that many of its members, rather than accept registration under it, are prepared humbly to suffer the penalty of non-registration, even at the risk of losing all their worldly prospects. The measure, when it was first introduced, was meant to be of a temporary nature, and was resorted to in order not to anticipate the verdict of a popularly elected Assembly on Asiatic Immigration, and in the absence of any other law like the Bill under discussion. The very first section of the Bill renders the Asiatic Law Amendment Act permanent, and retains the provisions also of the Peace Preservation Ordinance, in so far as they may be necessary for the administration of the Asiatic Law Amendment Act.

Second Ground

It is common knowledge that many British Indians who left the Transvaal at the outbreak of hostilities have not yet returned to the country of their adoption. Many of them paid £3 to the old Dutch Government for the purpose of settling in the country. Owing to the serious obstacles placed in the way of their getting permits under the Peace Preservation Ordinance—although European aliens received them practically for the asking—they have not yet been able to return to the Transvaal. Some of them have not even applied. These refugees would, under the Bill, become prohibited immigrants for want of knowledge of some European language. The prohibition will operate very harshly against deserving British subjects possessing vested rights. In thus cancelling the right of domicile, the Bill goes further than similar legislation in [the] Cape Colony.

Third Ground

In refusing to recognise Indian languages, the Bill draws an invidious and unjustifiable distinction.

Fourth Ground

In the humble opinion of the said Committee, Sub-section 4 of Section 2 is very vague and difficult of interpretation. It is, however, evident that it aims, amongst other things, at Indians of attainments. By requiring them to comply with the terms of the Asiatic Law Amendment Act, it takes away with the other hand what it gives with the one, for it is hardly conceivable that any Indian, having received a liberal education, will ever accept the terms of that Act. Nor is it possible to see any reason for subjecting such Indians to the Act, whose object is to identify Indian residents in the Transvaal, for such Indians, by reason of their knowledge of a European language, carry on their own persons marks of identification. The Asiatic Law Amendment Act is supposed to be necessary because of the illiteracy of the majority of Asiatics residing in the Colony. To require educated Indians to comply with the Act is, in the humble opinion of the said Committee, a wanton insult, and an indirect mode of depriving Indians of the benefit of the educational clause of the Bill.

Fifth Ground

It cannot be denied that want of facilities to Indians entitled to reside in the Transvaal to import temporary assistance would be a serious grievance.

Sixth Ground

Sub-section (c) of Section 6 did not appear in the original draft. As has been pointed out above, Indians in the Transvaal are carrying on a life-and-death struggle in respect of the Asiatic Law Amendment Act. It is surmised that thousands of Indians are prepared to suffer the hardships of imprisonment rather than submit to the said Act. To many the Transvaal is their home, where they earn an honest livelihood. For them to be turned out of the country is to make them, perhaps, face starvation, certainly to ruin their prospects in life. Whilst the Asiatic Law Amendment Act provides for a notice of removal from the Colony for failure to take out the registration certificate required to be taken out by the Act, disregard of such notice renders the delinquent liable to be imprisoned. Sub-section (c) above referred to gives the local Government *power to physically and forcibly deport at his own expense* any person disregarding notice of removal under the Asiatic Law Amendment Act. Thus, it is humbly submitted that the sub-section in question is not only a cruel provision in itself, but it is also extremely unfair, in that it indirectly amends the Asiatic Law Amendment Act very greatly to the disadvantage of those affected by it. The said Committee feels sure that, had such an amendment been made in the Act itself, it would not have received the Royal sanction. The said

Committee, therefore, trusts that the method adopted under the said sub-section to take extraordinary powers under the said Act will be considered by His Majesty's Government to be much more objectionable. Moreover, the effect of forcible deportation would amount to a confiscation of the property of the deported, and there seems to be no place provided to deport persons to. The Cape and Natal will not receive such persons. These would, therefore, be forcibly sent back to India to face starvation. This deportation for a venial offence (if it be an offence at all) will, therefore, be much worse than deportation for heinous offences, for, in the latter, the persons condemned are at least housed and fed.

General Remarks

The said Committee is humbly of opinion that, since the British occupation of the country, His Majesty's Government have neglected or disregarded the interests of British Indians, as being the weaker party, in deference to the clamours of interested persons, because they happened to be strong, and this in despite of repeated promises and assurances made and given to the Indians. The said Committee, moreover, respectfully draws the attention of His Majesty's Government to the fact that Indians are totally unrepresented in the House of Assembly, that not a word was said by any member thereof in favour of the petition presented on its behalf to that Honourable House, and that a similar fate overtook a similar petition presented to the Honourable the Legislative Council, although that Honourable House has been constituted for, among other things, the protection of interests not represented in the Lower and Elected House. Under the circumstances, the said Committee respectfully submits that British Indians have a right to receive special protection from His Majesty's Government as the central power in the Empire.

Prayer

The said Committee, therefore, respectfully prays that the said Bill may be disallowed and that the good offices of His Majesty's Government be used to secure such an amendment of the Bill as to relieve the present tension adversely affecting Indian subjects of His Majesty the King-Emperor owing to the Asiatic Law Amendment Act.

But, if His Majesty's Government find it impossible to secure relief for the community represented by the said Committee, in its humble opinion, it were better for them and for the sake of peace within the Empire that Indian subjects of the Crown were withdrawn from the Transvaal and fully compensated for dispossession of vested and acquired rights, either from the local or the Imperial Exchequer.

And for this act of justice and mercy, the petitioner shall as in duty bound for ever pray, etc.

[*I have, etc.,*]
ESSOP ISMAIL MIA,
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

APPENDIX C

Extracts from the Bill dealt with in the foregoing Petition:

Section 1. The Peace Preservation Ordinance, 1903, shall be and is hereby repealed; provided that no such repeal shall affect or abridge any powers or jurisdiction by the Asiatic Law Amendment Act, 1907, conferred for the purpose of carrying out such Act; but the said Ordinance shall for all the purposes of such Act be deemed to remain of full force and effect.

Section 2. Sub-sections 1 and 4. "Prohibited immigrant" shall mean and include any of the following classes of persons desiring to enter or entering this Colony after the date of the taking effect of this Act :

(1) Any person who when asked whether within or outside this Colony by a duly authorised officer shall be unable through deficient education to write out (from dictation or otherwise) and sign in the characters of an European language an application for permission to enter this Colony or such other document as such officer may require; provided that for the purposes of this Sub-section, Yiddish shall be accepted as an European language.

(2) Any person who at the date of his entering or attempting to enter this Colony is subject or would if he entered this Colony be subject to the provisions of any law in force at such date which might render him liable either at such date or thereafter if found therein to be removed from or to be ordered to leave this Colony whether on conviction of an offence against such law or for failure to comply with its provisions or otherwise in accordance with its provisions; provided that such conviction be not the result of the commission by such person elsewhere than in this Colony of an offence for which he has received a free pardon.

Section 6. Any person who

(a) is convicted after the date of the taking effect of this Act of a contravention of sections *three, thirteen* [and] or *twenty-one* of the Immorality Ordinance, 1903, or any amendment of such sections; or

(b) is deemed by the Minister on reasonable grounds to be dangerous to the peace, order and good government of this Colony if he remain therein; or

(c) having been ordered under any law to leave this Colony fail[s] to comply with the terms of such order; may be arrested and removed from this Colony by warrant under the hand of the Minister and pending removal may be detained in such custody as may be prescribed by regulation; provided that no such person as is in paragraph (b) hereof described shall be removed from this Colony, except on the order of the Governor, provided further that every such person arrested shall be discharged from custody unless an order be made by the Governor for his removal from this Colony within ten days after his arrest.

Section 11. Any person ordered to be removed from this Colony under this Act and any other person who shall have been convicted under section *seven* of aiding or abetting him in entering or remaining in the Colony in contravention of this Act shall be liable to pay all expenditure incurred by the Government in carrying out such removal whether from the Colony or South Africa or in the detention within the Colony or elsewhere of any person pending his removal; and the amount of such expenditure on production to the Sheriff of the certificate of an officer of the department stating the items and total amount of such expenditure shall be recovered by execution levied on the property within the Colony of the person so liable in manner provided for execution levied under a judgement of the Supreme Court; and the proceeds of such execution shall be paid by the Sheriff to the Treasurer who, after deduction of the amount of expenditure aforesaid and the costs of execution, shall remit the balance to the person so liable or to any person appointed by him to receive same.

Colonial Office Records : C. O. 291/122

141. CABLE TO S.A.B.I. COMMITTEE[1]

[JOHANNESBURG,
After *August 23, 1907*]

TO
THE SOUTH AFRICA BRITISH INDIAN COMMITTEE
[LONDON]

IMMIGRATION BILL SENT ROYAL SANCTION. PETITION[2] FORWARDED. BILL AFFECTS DOMICILED INDIANS. PHYSICAL DEPORTATION PASSIVE RESISTERS SPECIALLY INSERTED. PRAYER DISALLOWANCE OR COMPENSATION IMPERIAL EXCHEQUER.

[BIAS]

Colonial Office Records: C. O. 291/122

142. THE SUGGESTED COMPROMISE

We publish in another column correspondence that has passed between the Transvaal Colonial Secretary and Mr. Gandhi.[3] It is a great pity that General Smuts has not accepted the suggestion made by Mr. Gandhi. Although it is not made in the name of the community, we think that it affords either party a safe way out of a serious difficulty. General Smuts relies upon his ability to enforce the law in full and, therefore, rejects Mr. Gandhi's proposal. We cannot help remarking that the rejection of so reasonable a solution shows in what low esteem Indians in the Transvaal are held by General Smuts. Accordingly, we

1 This was forwarded to the Colonial Office by L. W. Ritch on August 31.

2 *Vide* the preceding item.

3 *Vide* letters to Private Secretary to General Smuts, pp. 147-9 and 162-3.

consider that it is now more than ever the duty of Indians in the Transvaal to prosecute their campaign of non-submission to the law to the uttermost end. The fixed determination of the Transvaal Government can do no harm to those Indians who are already reconciled to sacrifice, no matter how great. Neither imprisonment nor deportation need occasion the slightest fear in the minds of those Indians who place their honour above everything else.

Mr. Gandhi has raised, in submitting his draft, one main issue, namely, whether the local Government will condescend to consult the wishes and sentiments of the Indian community in carrying out their intention of identifying those Indians who are entitled to reside in the Transvaal. General Smuts says no. It is now for Indians to give their answer. It is open to them to lead a life of utter degradation in the Transvaal, or to make a supreme effort to be counted as human beings and citizens of the British Empire.

Indian Opinion, 24-8-1907

143. OUTSPOKEN SYMPATHY

The Friend, of Bloemfontein, has performed a public service and has earned the sincere gratitude of British Indians by the warm-hearted way in which it has approved of the manner whereby our Transvaal brethren have shown their abhorrence of a measure repugnant to their self-respect. *The Friend* has demonstrated its courage and public spirit by devoting a series of leading articles to a consideration of the subject from which it concludes that British Indians are perfectly justified in protesting, by means of "passive resistance", against a humiliating law. We commend *The Friend*'s remarks[1], which appear elsewhere, to the notice of our Transvaal contemporaries.

Indian Opinion, 24-8-1907

144. SUGGESTION TO READERS

In our opinion, the Gujarati section of *Indian Opinion* is at present rendering invaluable service. This claim will probably appear exaggerated. However, the statement is justified. The Transvaal Indians are at present carrying on a heroic struggle and this paper is engaged in furthering that struggle in every possible manner. We therefore deem it to be the duty of every Indian to read every line of it pertaining to the struggle. Whatever is read is afterwards to be acted upon, and the

[1] Not reproduced here. *Vide* also "True Friend", pp. 189-90.

issue, after being read, is to be preserved and not thrown away. We recommend that certain articles and translations should be read and re-read. Moreover, our cause needs to be discussed in every home in India. Our readers can do much to bring this about. They can send the required number of copies of *Indian Opinion* to their friends and, advising them to read them, seek all possible help from them. The present issue includes a letter addressed by the Hamidia Islamic Society to Indian Muslims.[1] We think it necessary that hundreds of copies of this number should be sent out to India.

[From Gujarati]
Indian Opinion, 24-8-1907

145. SOUTH AFRICA BRITISH INDIAN COMMITTEE

This Committee has been working very hard. It was only through its efforts that the Vrededorp Indians were saved from ruin. The Committee is still continuing its helpful work. Mr. Ritch is indefatigable. Obviously the Committee needs more money for its work. Considerable monetary aid has been sent from the Transvaal. More help from that source should not be expected at present. The Transvaal fight is a fight for the whole of South Africa. We therefore urge the Natal Indian Congress to send more money. Our brethren in the Cape have not at all done their duty in this matter. It will not be out of place for them and for the friends in Delagoa Bay to raise contributions and send some money. That will prove that they too are ready to help.

[From Gujarati]
Indian Opinion, 24-8-1907

146. MR. GANDHI'S SUGGESTION

The letter addressed by Mr. Gandhi to General Smuts and the reply and the counter-reply[2] that followed have been commented upon in the *Leader*, *The Star* and the [*Rand*] *Daily Mail*. General Smuts' letter is a downright threat. It proves that it is quite a difficult thing to implement the law. One can send a score or two to prison. But however brave, General Smuts cannot have the courage to punish thousands of men. He therefore asserts that the law will be fully enforced. If that is so, why has he been sitting still so long? Why are changes being

[1] *Vide* "Appeal to Indian Muslims", p. 177.
[2] *Vide* letters to Private Secretary to General Smuts, pp. 147-9 and 162-3.

made in the immigration law? Why are his officers so anxious to issue new registers? There is a big difference between the courage he professes and his actual deeds. He could not have given a reply other than the one he has. For, the battle is on at present, and for the time being he has got to keep up appearances. It remains to be seen what he can actually do if the Indian community remains unshaken at the critical moment.

The Press comments also show that their strategy has now shifted from abuse and ridicule to threats. The papers are now trying to persuade us that General Smuts will not yield his point, and therefore the Indian community had better forsake its God and submit to General Smuts' enslaving law. The *Daily Mail* goes so far as to ask the Indians, by way of threat, to remember that the Transvaal is inhabited by a large number of barbarous Kaffirs.[1] We call this senility. The whites may be said to have grown grey implementing the law, but their object has not been attained so far. They have therefore grown delirious. What otherwise is the connection between our struggle and the Kaffirs? Do they mean to incite them to attack us? Only a man lying ill in bed will utter such words.

However, in the light of General Smuts' reply, we are to be particularly careful to remember one thing, viz., that success will be ours only if the Transvaal Indians remain really firm, forsaking their wealth, suffering hardships of gaol life, and taking pride in being deported. All this sacrifice is possible only if one has living faith in God. Everything depends, in the last resort, on each Indian's faith, be he a Mahomedan or a Hindu. Every misfortune can be conquered with the weapon of faith. That faith is to be proved not by words, but by deeds.

[From Gujarati]
Indian Opinion, 24-8-1907

147. CAN WE MOVE PRIVY COUNCIL?

Sir Raymond West has written a letter to Mr. Ritch which is worth reading. Sir Raymond was a Judge of the Bombay High Court. He is a renowned lawyer. He is of opinion that the Indian community can raise the issue that the new law is null and void inasmuch as it is repugnant to British principles. If this can be done, the step is doubtless worth taking. But we are sorry to have to say that it will lead to nothing. Eminent lawyers in the Transvaal are against such a move. We can therefore build no hopes on Sir Raymond's opinion. The real Privy Council of Indians is the courage of the community.

[1] *Vide* "Letter to *Rand Daily Mail*", p. 179.

And God is the only Judge who will redress our grievances. Trust in Him is like a great counsel whose pleading will never go in vain. All the same, for the satisfaction of the community a suggestion has been made to the Committee to seek the advice of some prominent counsel in England. This will need money. Accordingly, if aid is sent to the Committee, as requested by us, it will be possible to ascertain whether a test case can be preferred or not.

[From Gujarati]
Indian Opinion, 24-8-1907

148. CAN OBNOXIOUS LAW BE ENACTED IN NATAL?

In reply to Mr. Haggar, Mr. Moore stated that the Natal Government would consider the introduction of a law in Natal similar to that in the Transvaal. That is the beauty of the obnoxious law. Its stink does not fill the Transvaal alone, but spreads all round like that of a decaying corpse. This move shows

(1) that a great responsibility rests on the Transvaal Indians;
(2) that, if the Transvaal Indians falter, the law will be enacted everywhere; and
(3) that the Transvaal question is the question of the whole of South Africa.

The Transvaal Indians therefore ought to remain firm despite any possible calamities and the other Indians ought to regard this question as their own and render utmost help.

[From Gujarati]
Indian Opinion, 24-8-1907

149. TRUE FRIEND[1]

We give a translation of an article in *The Friend* of Bloemfontein, which we recommend everyone to read with close attention. The name of the paper is *The Friend*, and it has acted like a friend of the Indian community. It is not likely that any particular good will result from the article. However, the journal wields a large influence. The impression that has been made on the mind of its editor has also been made on the minds of thousands of white men. But they will not speak out yet. They will do it when we begin playing our true part. From the article in *The Friend* one should know that, if the Indian community

[1] *Vide* "Outspoken Sympathy", p. 186.

now retraces its steps in the least, the Indian nation will be put to shame and its three hundred millions judged by what the 13,000 do here. The question of paying compensation, which *The Friend* has raised, is likely to be raised still more forcefully.

[From Gujarati]
Indian Opinion, 24-8-1907

150. HAMIDIA ISLAMIC SOCIETY'S LETTER

The Hamidia Islamic Society of the Transvaal has addressed a very important letter to Muslim individuals and organizations in India.[1] We invite the attention of journals and leaders in India to the same. The Transvaal Indians are at present engaged in such a serious struggle that they need help from every nook and corner of India. The aid so far received, in our opinion, is not enough. Our countrymen are so much occupied with problems at home that they have little time to devote to other things. However, we hope that they will give some of their time to our cause.

[From Gujarati]
Indian Opinion, 24-8-1907

151. ESTCOURT APPEAL[2]

The Supreme Court has poured cold water over the intention of the Estcourt Local Board to appeal to the Privy Council. The necessary permission for appeal having been refused by the Supreme Court, the Local Board feels crest-fallen. We offer congratulations to the Indians of Estcourt.

[From Gujarati]
Indian Opinion, 24-8-1907

[1] *Vide* "Appeal to Indian Muslims", p. 177.
[2] *Vide* "Estcourt Appeal", p. 156.

152. *JOHANNESBURG LETTER*

Potchefstroom and Klerksdorp

From these two places the Permit Office returned without securing any application for registration. The Potchefstroom papers say that the registration officers spent all their time smoking. Not even a prisoner could be got to register himself. The volunteers at Potchefstroom had already been active. Pietersburg did better than Pretoria; Potchefstroom surpassed Pietersburg; but Klerksdorp excelled them all. For, the Indians at Klerksdorp did not even keep volunteers. They sought no outside help. They did not avail themselves of the help offered, and every Indian there of his own accord boycotted the Permit Office. Thus Klerksdorp stands above them all. Now, which place will the remaining towns excel? And how will they do it? Both these places had received telegrams[1] and they have answered them. Mr. E. N. Patel, an old resident of Potchefstroom, had run up to both places.

Comments on Letter to Smuts

The *Leader* and *The Star* have commented on Mr. Gandhi's letter to General Smuts which has been published. Both papers say that Mr. Gandhi should advise the Indian community to submit to the law, considering General Smuts' reply to be final, for otherwise the Indian community would come to grief. The advice is all right as far as it goes. But those offering it forget that the Indian community does not depend on General Smuts. It is under the protection of God and not of General Smuts or the whites of the Transvaal. Their eagerness to make us submit to the law shows that they are inwardly afraid of the resistance offered by the Indian community.

General Smuts' Reply

The reply of General Smuts also is the sort of threat of which Indians need not in the least be afraid. His object is to make us accept the law at any cost. That is why he has been threatening us in various ways. He says that the law will be fully enforced. What does that mean? No one imagines that it will not be fully enforced. Everyone knows that not a single article of the law is going to be deleted. But the point is how a law can be enforced against those who will not submit to it. By sentencing them? If so, the Indians say they fear neither gaol nor deportation. Of course, it will be possible to enforce it against those who are afraid. Such persons are to be taken as lost to us. We know that the

[1] *Vide* telegrams to Pietersburg and Potchefstroom Indians, p. 160.

law will be enforced against them, and that is why we have been pleading with Indians not to submit to it. But one thing I can say with certainty: neither General Smuts nor anybody else will find it possible to imprison or deport 13,000 Indians. This is the general rule: a law can be enforced only where a large majority of people are willing to submit to it. I may point out that a law against stealing cannot work where all men are thieves. For example, men called thugs in certain parts of India, who practise thugging or cheating have not been subdued by any law. If it is thus possible for criminals to remain at large, what can be done to innocent people like the Indian community?

Position of Merchants

Some Indian merchants feel concerned, and many people are doubtful whether or not the former will hold out to the last. This is an occasion when a person who has more wealth will feel more anxious [than others]. The question is: How is one to cast off the yoke of money? Another trouble is that white merchants have discontinued supplying goods [on credit]. To me this is a welcome sign. So long the whites used only to take us lightly and believed that the Indians would not go to gaol. Now they are realizing that we mean what we say. However, one has to consider what the Indian merchants themselves think in the matter. What if the white merchants stop supplying goods? This is one question. The simple answer to this is only to ask: What shall we do if, even after our submitting to the law, they do not supply goods? No one will ask such a question then. If so, it should not arise even today. It will not be surprising if they do not supply goods and one's business has to be closed down or curtailed. If any Indian thinks that the law may be repealed, or that there may be some gain to us, without our suffering any hardships for the sake of the community, he will be making a great mistake. We have prepared ourselves to suffer hardships. If we do not bear them willingly, we shall be obliged to suffer humiliation by the law, and to put up with the resulting disgrace. Anyone feeling anxious on this account shows that he has not yet understood the significance of the oath. How can those who are prepared for gaol feel concerned at not being able to get any supply of goods? The right thing for them to do is from this very day to stop buying goods of their own accord, so that they may not feel any difficulty later and may not run short of funds for paying their creditors with. We can win no honour without suffering loss of money, and there can be no relief in future unless we put up with these hardships. As days pass, we shall go through a variety of interesting experiences. We shall receive numerous threats. There will be heavy losses also. One has to die before one can go to paradise.[1] Similarly,

[1] A Gujarati saying

it will be impossible to get the new law repealed unless we suffer loss of money, and the hardships of imprisonment and even of deportation.

MUNNIK'S REPRESENTATION

Mr. Munnik made a representation to Mr. Smuts to the effect that a law should be enacted to remove Indian traders to Locations and to limit their trade. Mr. Smuts replied that it was not possible to say what other laws should be made before the effect of the new law was known. But I can give a reply myself. Suppose all Indians leave the Transvaal, with only a few black sheep left behind. If that happens, those who remain will be treated as people unworthy of any respect, and allowed to stay on in some way or other. They will certainly not be permitted to bring other persons to live with them. That is, they will be allowed to live a dog's life here, and in a few years they will lose their foothold in the ordinary course of things. Now suppose most Indians hold their wealth dear and submit to the law. Then, they will certainly be doomed to the Locations. Who will then be able to oppose a law sending Indians to Locations? If some do so, who will listen to the frail voice of that reed? If many Indians oppose this law, they will doubtless be able to carry on their trade wherever they like and reasonable laws, applicable equally to all merchants—white or Coloured—will be enacted, and the Indian merchants will be able to stay on here with great honour and respect.

LAW OF DEPORTATION

The Immigration Bill has been passed by both Houses of Parliament. It is likely to be published in the *Gazette* on Friday. It will not come into force immediately, as it will be sent to England for approval. We now find in it one article under which the Government will be able to deport forcibly those who may be sentenced under the new law to leave the Transvaal. This is a new clause, and under it the Government will be able to effect forcible deportation of any Indian served with a notice. This is a fresh hardship. One cannot be definite whether this law will or will not be approved in England. If it is approved, however, the provision of deportation will apply to all. But it means nothing. If the Transvaal Government has the courage to imprison Indians, it will as well have the courage to deport them forcibly. Looking at the situation realistically, it can be presumed that the provision will be applied to the leaders only. A petition against the law is being sent to England by the British Indian Association,[1] and will have been probably despatched even before this letter appears in print.

[1] *Vide* "Petition to Secretary of State for Colonies", pp. 180-5.

From Rustenburg

From Rustenburg there is a telegram to say that, by God's grace, all Indians are firm in their opposition to registration.

Letter to "The Star"

Mr. Gandhi has written the following letter[1] in reply to *The Star*'s comment.

"The Star"

The Star has strongly criticized this letter of Mr. Gandhi asking why, if the giving of finger-prints was not the chief objection, so much emphasis was laid on the question till now. It adds that Mr. Gandhi's proposal cannot be considered practicable since, if children are not registered, and the police have no authority to make inquiries wherever they like and take finger-prints, there may be an influx of Indians on a large scale. To this Mr. Gandhi has again sent a rejoinder[2] to say that, though finger-prints are not the chief point, they certainly are one of the objectionable points. Moreover, there can be no compulsion to give finger-prints. In Lord Milner's time, the Indian community had agreed to give the thumb-impression voluntarily. Even voluntarily, Indians will not give ten-finger prints. *The Star* has not read the proposal carefully. But even if every white is against Indians, God is with them and that is enough.

Meeting of Association

A meeting of the Association took place on Wednesday. Those present were Messrs Essop Mia, Abdool Gani, Naidoo, Shahaboodeen, Aswat, Malim Mahomed, Emam Abdool Cadir, Omarji Sale, Gulam Mahomed, M. P. Fancy, Kadodia, Musa Essakji, I. A. Kazi, Ameeroodeen, Vallabhram, Ambaidas and others. Mr. Gandhi read out the petition pertaining to the Immigration Bill, and sought permission to despatch it and to send telegrams[3] in connection with it. On Mr. Shahaboodeen's proposal, seconded by Mr. Fancy, permission was given by the meeting. On the proposal of Mr. Mahomed Shahaboodeen, seconded by Mr. Coovadia, Mr. Essop Mia's appointment as Chairman was confirmed. Mr. Polak was elected Assistant Honorary Secretary on the proposal of Mr. Emam Abdool Cadir, supported by Mr. Naidoo.

On Mr. Fancy's proposal, seconded by Mr. Omarji Sale, it was resolved to publish the accounts of the Association every month in *Indian Opinion*.

[1] For the text, *vide* "Letter to *The Star*", pp. 175-6.
[2] *Vide* "Letter to *The Star*", p. 178.
[3] *Vide* "Cable to S.A.B.I. Committee", p. 185.

LATEST CABLEGRAMS

The proposal before the House of Commons to grant a loan to the Transvaal has been passed. But, while criticizing it, Sir Charles Dilke, Mr. Lyttelton, Mr. Cox and other members spoke at length on the hardships suffered by Indians. Mr. Lyttelton, a former Secretary, said that it was the duty of the Imperial Government to protect the rights of Indians before the loan was sanctioned. The Government had failed in that duty. Mr. Cox suggested that it was necessary for the Imperial Government to recommend to the Dutch Government to pay, out of the loan of £5,000,000, damages to such Indians as might be deported from the Transvaal. These moves show that the Indian cause will receive support in England in proportion to the strength that the Indians display here.

[From Gujarati]

Indian Opinion, 24-8-1907

153. LETTER TO JOHANNESBURG MUNICIPALITY

[JOHANNESBURG,
August 28, 1907]

[THE TOWN CLERK
JOHANNESBURG
SIR,]

The Committee of my Association has noticed in the papers the proposal of the General Purposes Committee that the Traffic By-laws may be so amended as to prevent British Indians, among others, from using first-class cabs. My Committee ventures to point out that such a by-law would draw an invidious distinction against British Indians, and would be an unnecessary insult to the community represented by my Association. I venture, therefore, to trust that the Town Council will be pleased not to accept the recommendation of the General Purposes Committee.

[*Yours, etc.*,
ESSOP ISMAIL MIA]
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

Indian Opinion, 31-8-1907

154. THE IMMIGRATION PETITION

The British Indian Association of the Transvaal has lost no time in petitioning Lord Elgin[1] regarding the Immigrants' Restriction Bill of the Transvaal, which was gazetted as an Act on the 26th instant, containing the reservation clause that "it shall not take effect unless and until the Governor shall proclaim in the *Gazette* that it is His Majesty's pleasure not to disallow the same". It is of no force until the Royal pleasure becomes known. Lord Elgin, therefore, has now an opportunity of retrieving what we consider was an Imperial blunder in his having advised His Majesty to sanction the Asiatic Registration Act. Mr. Essop Ismail Mia, in the petition, has dealt with every point arising out of the Act. For the present, however, we propose to confine ourselves to the Act as it affects Indians domiciled in the Transvaal.

We recollect Mr. Duncan having stated emphatically that the Asiatic Registration Act was considered necessary because there was no Immigration Ordinance in force at the time, and that it was to be treated merely as a temporary step. It was also, undoubtedly, panic legislation to stop the so-called inflowing tide of Asiatic immigration at the rate, the Honourable Mr. Curtis told us, of at least 200 per month. It is a curious commentary on Mr. Duncan's statement[2], as also [on] Mr. Curtis', that a year after the introductory speech by the then Colonial Secretary, registration has not yet been effected, and that the Asiatic Registration Act is still practically of no force, except for the fact that registering officers perambulate the Colony in search of Asiatic applicants for the benefits which, Lord Selborne states, the Registration Act confers upon them. And it is this very Act which the measure under consideration makes permanent, and thus, whilst it frees the white inhabitants of the Transvaal from the Peace Preservation Ordinance, it draws the noose tighter round the necks of Asiatics.

Asiatics, then, find that a grant of greater liberty to white British subjects corresponds with a greater restraint on that of Asiatic British subjects. Unlike other and older self-governing Colonies, this new pet child of the Empire is to be allowed to set aside rights of British Indians who are already domiciled in the Transvaal, by reason of their having paid £3 to the old Dutch Government, for, under the Immigration Act, as the British Indian Association points out, only those Asiatics who are registered in the terms of the Asiatic Act are allowed to retain their domicile.

[1] *Vide* "Petition to Secretary of State for Colonies", pp. 180-5.
[2] *Vide* Vol. V, pp. 382-3.

The last point dealt with by the Association outdoes the other two mentioned by us in severity. It provides for the physical deportation of those British Indians who fail to take out registration certificates under the new Act. Now the taking out of the certificate is, after all, a formality invested with many incidents of slavery. It is not as if the people who fail to take out registration certificates are not residents of the Transvaal. Indeed, most of the Indians, who are making a brave stand against the Asiatic Act, are old respectable inhabitants of that Colony, some of them, like the Chairman himself, of 20 years' standing, having all their earthly possessions in that Colony, having there even their families, places of worship and everything they hold dear in the world. It is these men who, because they decline to take out a degrading document, are to be forcibly turned out from their home; and this deportation is to take place at the expense of the deported, and it is to create no obligation on the part of the Transvaal Government even to feed and house them! Well may Mr. Mia declare that this deportation will be much worse than deportation for heinous offences.

We shall be painfully astonished if Lord Elgin, with his declared sympathies and with his past Viceregal career before him, advises His Majesty to sanction a measure of this description. He has more than once stated that he does not like the Asiatic Act. He has now thrown into his hands a golden opportunity of treating with the Transvaal Government, with a view to having the Asiatic Act repealed, and the principle of re-registration being embodied in a modified form in the Immigration Act.

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155. CAPE INDIANS[1]

The Cape Town British Indian League is to be congratulated on submitting a well-reasoned representation to the Cape Parliament, in connection with the working of the Immigration Act and the Dealers' Licences Act of that Colony. The points raised in the memorial have been raised none too soon, and, as the memorialists rightly point out, their prayer has been considered by many prominent Cape politicians as reasonable and just. It is, for instance, impossible to justify the practice of issuing temporary permits to British Indians who have occasion to leave the Peninsula, failure to return within the period fixed in the letter of permission costing them their domicile. This makes them ticket-of-leave men, and puts an utterly unjustifiable and undue restraint on their personal liberty. Nor can the practice of depriving old Indian

[1] *Vide* "Cape Town Indians", p. 203.

hawkers of their licences, without cause, be justified in any way. We trust that the memorial presented by the British Indians will receive the earnest consideration of the Cape Government.

Indian Opinion, 31-8-1907

156. THE LADYSMITH TRADERS[1]

The Ladysmith Chamber of Commerce is again on the track of British Indians who have been unjustly deprived by the Ladysmith Board of their licences to trade in the Klip River District, and who have the temerity to continue to earn their livelihood by plying their trade without licences. When we say it is the Ladysmith Chamber of Commerce which is after these poor Indians, it simply means that the European merchants who are jealous of their rivals are endeavouring to hound the latter out of the district. There seems to have been some sort of an understanding on the part of the Government that they would mark their disapproval of the conduct of the Ladysmith Board by refusing to sanction the prosecution of innocent men, but it is quite evident that the Chamber has coerced the Government into action, for it appears that the Attorney-General has authorised the Crown Prosecutor to institute proceedings against these men, should they still continue to trade without licences. Such is the working of the Dealers' Licences Act of Natal,[2] from which the Imperial Government has avowed itself practically powerless to grant relief. The Indian Government, which certainly is all-powerful, refuses to make use of the only and effective remedy at its disposal, namely, to stop indentured Indian immigration, if the free Indian population of Natal is denied bare justice.

Indian Opinion, 31-8-1907

157. DADABHAI'S BIRTHDAY

The birthday of Dadabhai Naoroji, the Grand Old Man of India, falls on September 4. He is nearing the end of his days on the earth. As time passes, the light of the Grand Old Man is growing brighter. London to him is a wilderness. He has taken residence in this wilderness like a hermit for the sake of his country. Those who have seen his office in England know that it does not in any way differ from a hermitage. Hardly two people can sit in it. Sitting there, he shoulders the burden

[1] *Vide* also "Licences in Ladysmith", p. 201.
[2] *Vide* Vol. II, pp. 343-5.

of the sufferings of the vast millions of India. Though he has reached an advanced age, he is capable of harder work than an Indian youth. We wish him a long life, and pray to the Creator to give us, and to all those connected with this journal, a heart as pure as his. We advise our readers to emulate his patriotism, that being the only right way to cherish the name of this [Grand] Old Man who is a grandfather indeed. The Indians of the Transvaal should bear in mind that they have to be faithful to their resolve as the immortal Dadabhai has been to his for our sake. We believe all associations of Indians will hold meetings on that day and send telegrams of congratulations. It is our intention to give a photograph of the [Grand] Old Man on every birthday of his. Accordingly, we shall publish next week, that is, at the earliest opportunity after the birthday, a photograph of his which, we recommend, should be got framed and preserved by everyone.

[From Gujarati]
Indian Opinion, 31-8-1907

158. NEED FOR GREAT CAUTION

All eyes are at present turned on the Transvaal Indians. Just at such a time, we have received news of some weakness in the Indian community. At the present juncture whatever is unhealthy in the community is to be exposed; it cannot be suppressed. It will be, we think, an act of treason to suppress it.

The Indian community comprises mainly Surti, Memon and Konkani Muslims, Parsis and Hindus. We hear that a large proportion of Memons and Konkanis have become impatient with the struggle against the law. It is said that they are now prepared to yield, but, before yielding, desire the Government to make some changes. We have seen the draft petition seeking the amendments. We feel humiliated even to print it. The draft, in our judgment, is a document inviting slavery for ourselves. The concessions desired therein are no concessions. The language in which the request is made is so cringing that it can only mean that most of the leaders of the Indian community were never opposed to the new law. The giving of finger-prints is accepted. No objection is taken to the humiliation of Turkish Muslims. The only demand is for the appointment of special officers to inspect the permits of respectable Indians and for obtaining their finger-prints in private. Moreover, if the holders of old licences are able to give their signatures, the Licensing Officer should not demand finger-prints. The temporary permits should continue to be issued as at present, and children's finger-prints taken after they have attained the age of 16.

Among these demands there is not one to concede which any change in the Regulations may be necessary, let alone the law. "Very well," can be General Smuts' reply to such a letter. In that case, those who feel pleased with the letter may immediately take out the title-deed of slavery, i. e., the register. The draft moreover states that Indians are wax in the hands of law. We hold that such a statement does not lie well in the mouth of anyone who believes in the existence of God. For man is like wax in the hands of God alone.

We are glad to say that the letter referred to above has not been despatched to General Smuts. Nor do we mean to say that the letter was approved by Memons, Konkanis or any others. Our only reason for making this matter public is that, though this blow was warded off in time, there can be no certainty that such an attempt will not be repeated. A frightened man will clutch at anything. Is there anyone who will not try to get hold of the dry stumps while rolling down the slope of a hill? Some Indians in the Transvaal are in a similar plight. We would advise such Indians to submit to the law immediately and take out registers instead of meddling with the question of the law. That will not lay them open to much blame. But, if they have such letters written which tarnish the fair name of the community, they will be regarded to have done, and will have actually done, very much more harm than what Mr. Haji Ebrahim and Mr. Khamisa have done. Mr. Haji Ebrahim and his comrades put themselves to shame out of fear, being unable to keep up courage. But those addressing letters such as the above will drag down the community while they blacken their own faces. They will have proved that the struggle of the Indians was not against the law as such, but only for slight changes in it. The draft petition referred to above also states that, barring some men intent on mischief, Indians are eager to get themselves registered. How amusing this is!

Moreover, if such a petition is sent to General Smuts on behalf of the Indians, the petition that has been submitted concerning the Immigration Bill will also receive a set-back. The fight that is being put up by the South Africa British Indian Committee will have been in vain, and the Indian community will have been robbed in broad daylight. It is our particular request, therefore, that any individual or group that desires to take out the register is free to do so. Only, they should not drag others along with them. Why should all Memons or all Konkanis or all Hindus have their faces besmirched just because some Memons, or some Konkanis, or some Hindus or Surtis or Parsis do so? Is there among the Memons no brave man who will courageously declare: "Even if other Memons should go, I certainly will not." Why can a Konkani not speak out to the same effect? Why will Indians follow the example of others in doing evil? If, like sheep, we are still ready to follow one

another into a ditch, it should be taken for certain that we shall be doomed to have the obnoxious law with us for ever.

[From Gujarati]

Indian Opinion, 31-8-1907

159. LICENCES IN LADYSMITH

Clouds are gathering again over those Indians in Ladysmith who have not received licences. They carry on trade without a licence. The Chamber of Commerce has therefore recommended that they should be prosecuted. Mr. Labistour has replied that if they continue to do so, action will be taken against them. An assurance was given to the leaders of the Congress that those who traded without a licence would not be harassed. This promise was given out of a sense of justice. Now that the Europeans are bringing pressure, this sense of justice has collapsed and the Government, submitting to the pressure, wants the shops to be closed down. This gives the clearest picture of the shape of things to come in the nature of hardships for Indians. There are three ways to scatter these clouds:

(1) To prefer an appeal to the Privy Council.

(2) If such an appeal is not to be filed, the President of the Congress should meet the Imperial Government. This step can be taken along with the first.

(3) To have courage and keep the shops open. In case of prosecution, not to pay the fine, but allow the goods to be auctioned.

The first way can be adopted only when the Congress has a fund of £1,000. The second step must be taken in any case. It will not solve the difficulties for ever. The third way is the easiest of all and the best. But it is a way that the brave alone can take. It does not depend on anybody's advice. One must have courage oneself. If this is there, everything can be done. There is no provision in this Act for a sentence of imprisonment. Only a fine can be imposed. If the fine is not paid, it can be collected by auction of goods. We urge Indians to adopt that way. Men like Dr. Rutherford have adopted it, and we, too, can do likewise. But in such matters, prompting by others is of no avail. The necessary urge has to come from within.

[From Gujarati]

Indian Opinion, 31-8-1907

160. *WHY WAS "THE LIFE OF PROPHET MAHOMED" DISCONTINUED?*

We feel sad in answering this question. In utter good faith and out of great regard [for Islam], we started publishing a translation [of Irving's book], with a view to serving the Indian community and, in particular, the Muslim brethren. Among the biographies written by white men, Washington Irving's work is regarded as excellent. On the whole, he has shown the wonderful greatness of the Prophet, and has presented the good teachings of Islam in shining colours. Whether this is so or not, we believe it is the duty of every Muslim to know what the whites write about Islam and its Founder. In translating the book, our object was to help them perform this duty. While the translation was being given, some of our readers were pained to read the account of the Prophet's marriage in chapter V, and suggested that we should stop publishing the life. Our aim is to show as far as possible that this journal belongs to the whole of the Indian community. We have no desire to injure needlessly the feelings of anyone in any way. Therefore we have stopped publishing the "Life"[1] and feel sorry that we had to do so. For, we took great pains over the translation, and our readers will not have the opportunity of appreciating the excellent work of Irving. Moreover, we hear that many persons are displeased that we have discontinued the "Life". To them we have only to say that those who want the translation of the biography may write to us. If many readers express the desire, we shall try to meet the wishes of such devout men by bringing it out separately in book-form when convenient to the Press.

[From Gujarati]
Indian Opinion, 31-8-1907

[1] Mahadev Desai, Gandhiji's Secretary, records in his *Diary*, under July 29, 1932: "Bapu . . . described his own experience in South Africa. He read Washington Irving's *Life of the Prophet* and began to publish a simple translation of it in *Indian Opinion* for the benefit of its Muslim readers. Hardly a chapter or two had appeared when the Muslims entered an emphatic protest against the publication. The offending chapters only dealt with the idol-worship, superstition and evil customs prevalent in Arabia before the Prophet was born. Even this was too much for them. Bapu tried to explain that this was only prefatory and intended to show the gigantic evils which the Prophet was born to combat and vanquish, but no one would listen. 'We do not want any such life of the Prophet,' said the Muslims. The later chapters had been written and set in type but had to be cancelled." (*The Diary of Mahadev Desai*, Navajivan Publishing House, Ahmedabad, 1953, Vol. I, p. 259.) *Vide* also "Prophet Mahomed and His Caliphs", pp. 55-6.

161. CAPE TOWN INDIANS

We published last week the representation made by the British Indian League. It covers almost all the important demands. We congratulate the League. We hope that it will spare no effort to pursue the matter, and will bring it to a happy conclusion. The Indians of Cape Town have more opportunities than others to win [their] rights and safeguard them. We also hope that the Indians of Mafeking and East London will co-operate with the League and the Association and that together they will raise a large fund.

[From Gujarati]

Indian Opinion, 31-8-1907

162. WHAT IS BRAVERY?

There is a report in the Press that the Moors (who are Muslims) have shown excellent bravery in Casablanca.

> Shouting their war cries, the Moorish spearmen made a gallop-charge on the French gunmen. They paid no heed to the shower of bullets and shell-splinters raining on them. Many fell wounded. Those who survived advanced to the very mouths of the cannon before they returned.

The reader may ask how one can return from the mouths of cannons. But that is the wonderful thing about bravery.

> So great was their fervour that the French gunners did not have the heart to fire on such brave warriors. They greeted these brave ones with cries of "Hurrah!" and clapped their hands in admiration. These brave warriors then saluted them and turned back.

Such brave people may be emulated by the whole world. All can sing their praises. Our Muslim readers specially have to take a lesson from them. Without doubt the Transvaal Indians will win if there is in them a hundredth part of the bravery of these Moors who are regarded as uncivilized. Here no one has to die. No one has to kill. Only money is to be sacrificed.

[From Gujarati]

Indian Opinion, 31-8-1907

163. *JOHANNESBURG LETTER*

Nylstroom and Rustenburg

From both these localities the Permit Office returned, as it had gone, empty-handed! The Nylstroom Indians even closed their shops for a day. No person got himself registered. Telegrams of congratulation were despatched to both places by the British Indian Association and the Hamidia Islamic Society. All this is very good. But we should not get elated at this. The boycott of the Permit Office has become an easy thing. There is not much risk involved in the boycott as people are allowed to register themselves at any place. But it remains to be seen whether they will not rush about in panic when the last place is named and the last date fixed. Already, doubts are being raised whether people will maintain their courage then, and, if they do, whether it will last when the time comes to go to gaol.

Railway Hardships

Mr. Abdool Gani and Mr. Goolam Mahomed were not allowed to board the 4.40 evening train at Johannesburg when they wished to go to Pretoria. The correspondence carried on by the Association on that question has come to a close. The Chief Traffic Manager has expressed regret, but says that there was no room even in the guard's carriage and that is why they were not allowed to travel. General Smuts says that all these hardships are for the good of Indians. This fight cannot be carried further at present. For the Indian community is now on the anvil. If it turns out to be real gold as a result of hammering, the hardships in regard to railways, etc., will automatically disappear. If it is proved to be base metal, what does it matter whether one is entitled to a railway ticket or not?

Send-off to Ally

On Saturday, Mr. Haji Ojer Ally left for the Cape with his family. He was seen off by Messrs Abdool Gani, Shahaboodeen Hasan, Ameeroodeen, Goolam Mahomed, Mahomed Shahaboodeen, Chapman, Polak, Gandhi and others. There were tears in the eyes of Mr. and Mrs. Ally. Mr. Ally's words of farewell deserve to be remembered. He said, "Leave aside the question whether I have erred or not. For, to err is human. But it will be enough if other Indians do as much as I am doing." Truly, these words are memorable. He has left the Transvaal rather than submit to the law; this is a step on which, condoning his mistake, we should congratulate him. We shall succeed in the end if many Indians stand up to do even as much.

Sentenced for Insolvency Fraud

Ismail Isa, an insolvent debtor, was accused of fraud. His case was heard by Mr. De Villiers at Pretoria. The charge against him was that, though he knew that he was about to be declared insolvent, he had purchased tobacco from Ernest Ebbert & Co. Being found guilty, he was sentenced to three months' imprisonment. This is a case which will bring shame to the Indian community. There must not be a single case of insolvency among us. We ought to have that much sense of honour. But here we find fraud along with insolvency. Indians certainly ought to keep away from such acts.

Letter from Rustenburg

A letter has been received by the Association from Rustenburg about the success achieved by the community there. It says that Captain Chamney there approached Indians with a view to persuading them. But everyone gave a firm reply that he would not take out the register. Mr. Chamney also approached them and returned with the same reply. Messrs Bapu Desai, Rahimbhoy, Vakharia, Madhi and M. E. Kazi enlisted themselves as volunteers. The shops remained closed for half a day. Mr. Cody approached Mr. de Souza, a Portuguese Indian, who also flatly refused to be registered.

Letters from Volksrust and Wakkerstroom

There are letters from Volksrust and Wakkerstroom in which the leaders state that not a single Indian will take out the permit. All are quite determined.

Another Humiliation

There is a move in the Johannesburg Municipality to prevent the Indians, the Chinese and other black people from riding in first-class horse-carriages. The Association has sent a letter objecting to the proposal.[1] But there is little probability of its carrying any weight at present. The only trumpet sounding these days is that of the Registration law. Everything depends on the kind of sound that it will make in the end.

[From Gujarati]

Indian Opinion, 31-8-1907

[1] *Vide* "Letter to Johannesburg Municipality", p. 195.

164. LETTER TO JOHANNESBURG MUNICIPALITY

[JOHANNESBURG,
Before *September 1, 1907*][1]

[THE TOWN CLERK
JOHANNESBURG
SIR,]

In continuation of my letter[2] of the 28th instant regarding the proposed amendment of the Traffic By-Laws with reference to first-class cabs, I have noticed that it is the intention of the Council to exempt professional men from the disqualification to use first-class cabs even though they may be Coloured men.

My Association respectfully submits that such an exemption would, instead of being appreciated, add insult to injury because, apart from a person's dress and general behaviour, it is difficult to see how a cab-driver is to distinguish between professional men and others, and my Association feels certain that no self-respecting man can possibly avail himself of a right which his compatriots equally respectable could not exercise. My Association, therefore, ventures to hope that the Town Council will be pleased not to proceed with the amendment referred to in my correspondence.

I have, etc.,
ESSOP ISMAIL MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

Indian Opinion, 7-9-1907

165. CABLE TO DADABHAI NAOROJI[3]

[DURBAN,
September 4, 1907]

NATAL INDIAN CONGRESS WISHES INDIA'S GRAND OLD MAN MANY HAPPY RETURNS DAY. PRAYS GOD SPARE INDIAN CHAMPION MANY YEARS.

Indian Opinion, 7-9-1907

[1] The reference to the "letter of the 28th instant" shows that this letter was written in August.

[2] *Vide* "Letter to Johannesburg Municipality", p. 195.

[3] This was sent on Dadabhai Naoroji's 83rd birthday; *vide* "Speech at Congress Meeting", p. 210.

166. SPEECH AT DURBAN[1]

[DURBAN,
September 4, 1907]

. . . Mr. Gandhi suggested that Indians throughout South Africa and outside the Transvaal could render substantial assistance by collecting and holding funds ready for any emergency that might arise in the Transvaal.

. . . The speaker explained the meaning of the offer of the Indian community for voluntary registration, as also the meaning of his own letter to General Smuts.[2]

Indian Opinion, 7-9-1907

167. SPEECH AT CONGRESS MEETING[3]

DURBAN,
September 4, 1907

The struggle which we have launched is a momentous one, and so its results will be equally important. If we succeed, the condition of Indians will improve to a large extent, in the Transvaal certainly, but also in Natal, the Cape, and even in India. If we retreat, however, the result will be equally disastrous. In Natal, one Mr. Haggar has raised a question in the Parliament about introducing there an Act similar to the Transvaal Registration Act; in the Cape licensed hawkers and shopkeepers have to put up with hardships; new laws are being passed and new restrictions imposed in Delagoa Bay; even in Rhodesia special legislation is being enacted against Indians, and in German [East] Africa, too, proposals humiliating to Indians are being canvassed. All these things can stop if we show our mettle. Whatever needs to be done in the Transvaal at the present moment is already being done. The Committee in London is also working with utmost energy. Natal, too, has rendered some help. The telegrams sent to Pretoria on July 31 and those despatched from time to time to the various associations and merchants in other places have had a very good effect. The Transvaal Indians and I are thankful to you for this. I am also aware

[1] A meeting of the Natal Indian Congress was specially convened during Gandhiji's visit to Durban. Requested by the chairman, Dawad Mahomed, Gandhiji explained the latest position regarding the Transvaal struggle. These are extracts from a report of the meeting.

[2] *Vide* the following item for a more comprehensive report from Gujarati.

[3] This was published under the title, "Further Elucidations".

that a sum of £100 has been sent from here to the Committee in England. That is in the fitness of things. But apart from this, Natal has still much to do. More money can be collected here. I do not suggest that you should make the collections in the places mentioned earlier and send them to the Transvaal; the funds collected locally may be kept on hand here, so that they can be drawn upon in case of need. The people in the Transvaal are also collecting a fund and contributing their due share. The British Indian Association has already spent about £1,500 in this struggle, but there is need for more expenditure yet. They have at present only a balance of £100. I am often asked the question: Being so poor, how will the Association be able to support the families of those who will go to gaol? Some other questions, too, are asked. To all such questions I have but one reply: Since we have faith in God, how can we ask what will happen to the members of our family? Still, we should do our duty in the matter. We should move from house to house in every village to collect contributions. We should acquaint the people with the present situation, so that they may willingly contribute and also realize to what plight the new law seeks to reduce us. That is, we must do all we can. Then can we place our entire trust in God. We are doing all that is needed. At the same time, we have also to pray to God with all our heart, and beg of Him: "Oh God! if our grievances are not heard in this world, we have at least full confidence in You, that in Your court no injustice will be tolerated." At the Hamidia Society [meeting] last Sunday, Moulvi Ahmed Mukhtiar, too, gave the same advice, namely, that we had to send our deputation now only to the court of God. The same opinion was also expressed at Germiston last Sunday during the festival of Lord Krishna's birth anniversary. All of us can pray likewise.

In reply to a question, Mr. Gandhi said:

With regard to the opportunity that has offered itself to us in Ladysmith, three alternatives were suggested in the last issue of *Indian Opinion*.[1] Any one of these should be followed. The present case differs from the one in which we had appealed to the Privy Council. In the present case, we can proceed against the Board. If the case is decided against us, we can then appeal to the Privy Council. But that will need a lot of money. I think it is better that the shops be kept boldly open. This fight, once started, should be kept up to the last. The shopkeepers should not pay fines, but allow their goods to be auctioned again and again. Other merchants who have been granted licences for the current year should write to the Government that, in view of the injustice that was being done to their brother-traders, they too would

[1] *Vide* "Licences in Ladysmith", p. 201.

keep their shops open without licences next year. If in this manner we make a heavy sacrifice of money with courage and determination, we are bound to win. The money we have already earned or that we may earn in future will have value only if we win, otherwise we shall lead a dog's life here.

The taking of thumb-impressions in the Immigration Office at the Point is against the law. The Act certainly does not empower the Immigration Office to demand thumb-impressions. If we fight with patience and firmness, the taking of thumb-impressions will stop. It is necessary that this practice which has been newly started should be nipped in the bud.

Asked about some people in the Transvaal wanting to come to a compromise and get themselves registered, Mr. Gandhi said:

Some Memons in Pretoria wish to come to an understanding with the Government and register themselves. This compromise is not at all advantageous, but is on the contrary harmful to us. Those who have understood the real nature of our struggle will not be satisfied with such a compromise. The draft agreement sent by the Association is the only right one. It will be better for those who are satisfied with a nominal compromise to take out registers just now. That will not cripple the struggle of the community.

Giving an explanation about the news item that had appeared in that day's papers about Lord Elgin having refused to give assent to the Municipal Franchise Act, Mr. Gandhi said:

The credit for this success goes to the Committee in London. The Act had been forwarded to the Imperial Government for Royal assent a long time ago, and it had remained under consideration all this time. Hence, there was a possibility that the Act would be rejected. However, if the Committee had not protested and exerted itself as it did to oppose it, the result we see today would not probably have come about. I hope that everyone will avail himself of the right of franchise that we now possess.

Explaining the position about the reported intention of the Estcourt Board to seek permission to appeal to the Privy Council against the decision of the Supreme Court in Mr. Haffejee's case, Mr. Gandhi said:

It is not probable that the Board will seek permission to appeal. For, that will involve a lot of expenditure and there will be no gain. However, we should not oppose their effort to seek permission to appeal to the Privy Council.

After these clarifications, Mr. Gandhi informed the meeting about the cablegram[1] that had been dispatched in the morning in connection with the birthday of Dadabhai Naoroji that was being celebrated that day.

[1] *Vide* "Cable to Dadabhai Naoroji", p. 206.

On this occasion, the Indians of Tongaat had sent a telegram wishing long life to the Grand Old Man. Thereafter, everyone stood up and, wishing long life to Dadabhai, called for three cheers. The meeting came to an end at 10 p.m.

[From Gujarati]
Indian Opinion, 7-9-1907

168. LETTER TO COLONIAL SECRETARY

[JOHANNESBURG,
Before *September 7, 1907*]

[THE COLONIAL SECRETARY
PRETORIA

SIR,]

My Association has been credibly informed that the Government, before entertaining belated applications for registration under the Asiatic Registration Act, has been taking from the applicants affidavits to the effect that they have hitherto not made them because of the undue pressure exercised by some members of the Association.

If the information received by my Association is correct, I have the honour to state that, so far as I am aware, no such pressure has ever been exercised by any member of the Association and my Association humbly requests that, if any such charge has been brought by any person, it may be duly brought home to the party so charged.

[*I have, etc.*,
ESSOP ISMAIL MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION]

Indian Opinion, 7-9-1907

169. ON THE DUTY OF CIVIL DISOBEDIENCE[1]

> It would seem as if the action of both Houses of Parliament in passing the Bill to legalise the marriage with a deceased wife's sister will convert the clergy of the Established Church into passive resisters of sorts. The Archbishop of Canterbury today issued a message in which he requested the clergy not to celebrate marriages with a deceased wife's sister although such unions are now recognised as legal by the law of the land.
>
> *The Daily Press*

We have no desire to enter into the controversy as to whether marriage with a deceased wife's sister is a reform in the right direction or not. We have quoted the above-mentioned cablegram in order to show that passive resistance is one of the most approved methods of securing redress in given circumstances, and that it is the only course law-abiding and peaceful men can adopt without doing violence to their conscience. Indeed, it would appear that it is a method they must adopt if they have a conscience, and it revolts against particular legislation. It may be retorted that, between the passive resistance offered by British Indians in the Transvaal and that advised by the Archbishop of Canterbury, there is no resemblance. We demur and claim that, if it is lawful for the Archbishop of Canterbury to disregard the deceased wife's sister relief legislation, it is much more so for British Indians to withhold submission to the Asiatic Registration Act. If there is no penalty provided by law to punish the clergy who may not recognise it, by refusing to perform a marriage ceremony, it should be doubly their duty to accept the law. But the Archbishop, in deliberately giving contrary advice, has brought into play a higher law, and that is the law dictated by conscience. Rightly or wrongly, His Grace believes that there is no warrant for such unions in the Bible and that, therefore, the Legislature has committed a breach of God's law, which it would be irreligious for the clergy to countenance. In other words, he has recognised what Thoreau has said, that we should be men before we are subjects, and that there is no obligation imposed upon us by our conscience to give blind submission to any law, no matter what force or majority backs it.

Such is also the position of British Indians in the Transvaal. Law-abiding they are, and it will take away nothing from the certificate they have enjoyed so long by their now refusing to accept registration under

[1] In writing this and subsequent articles on the subject, Gandhiji drew on the essay "On the Duty of Civil Disobedience" by Henry David Thoreau (1817-62), the American philosopher, naturalist and writer. The essay first appeared in 1849 under the title "Resistance to Civil Government".

the Asiatic Law, which their conscience rejects as degrading to their manhood and offensive to their religion. It is possible to carry the doctrine of passive resistance too far, but it is equally so with reference to the doctrine of obedience to law. We cannot give the dividing line in words more appropriate than those of Thoreau when, speaking of the American Government, he says:

> If one were to tell me that this was a bad Government because it taxed certain foreign commodities brought to its ports, it is most probable that I should not make any ado about it, for I can do without them. All machines have friction, and possibly this does enough good to counterbalance the evil. At any rate, it is a great evil to make a stir about it. But, when the friction comes to have its machine, and oppression and robbery are paramount, I say let us not have any such machine any longer.

In the Asiatic Registration Act, British Indians have not only a law which has some evil in it, that is to say, using Thoreau's words, a machine with friction in it, but it is evil legalised, or it represents friction with machinery provided for it. Resistance to such an evil is a divine duty which no human being can with impunity disregard, and, as in the case of the Archbishop of Canterbury, so in that of British Indians, it is their conscience that must decide, as it has already decided, whether to submit to the Asiatic Act or not, cost what it may.

Indian Opinion, 7-9-1907

170. SUPPLEMENT TO "INDIAN OPINION"

We said in our last issue that we would give in this issue a photograph of the Hon'ble Dadabhai Naoroji in honour of his birthday. The reader will accordingly find the photograph in this issue. It was taken when India's Grand Old Man visited India last year, and was published in *India*. We appeal to all our readers to have the photograph framed. But the true framing of it, in our opinion, would only be to engrave it in our hearts. To adorn and preserve a piece of paper without giving the least thought to what it stands for—this is, it may be said, exactly what idolatry means. The only purpose of keeping the photograph in our room is that, by seeing it, we should call to mind our duty afresh every day. Our present condition in South Africa as well as in India is such that, even if hundreds of heroes like Dadabhai came forward, they would be far too few. And unless such men do come forward, there will be no improvement in our political condition or in other affairs of worldly life.

[From Gujarati]
Indian Opinion, 7-9-1907

171. WELCOME

The new Governor of Natal, Sir Mathew Nathan, has already arrived. His Excellency is 45 years of age, and is unmarried. His Excellency is a Jew, the first member of the race to be appointed Governor in South Africa. It is said that His Excellency is a very kind and hard-working person, with wide experience. At Hong Kong, he won the hearts of all communities. Natal is in a bad plight today. At this juncture, though he cannot interfere actively in a self-governing Colony, he can certainly help much by his advice as a gentleman and by his personal example. We hope that the expectations that have been raised about him will be fulfilled. His Excellency is accompanied by his sister, Miss Nathan. She attends to his social engagements and takes the place of hostess at social functions.

[From Gujarati]

Indian Opinion, 7-9-1907

172. BENEFITS OF PASSIVE RESISTANCE

NOTABLE INSTANCE

Nowadays the people of Ireland are striving hard for their rights. Some Irish leaders are convinced that the people of Ireland suffer because they live in a particular country, just as Indians suffer because of the colour of their skin. In other words, the Indian people suffer many hardships both in India and outside and are treated as inferior to Englishmen. The Irish people count for nothing in their own land and are oppressed by their English rulers. But no sooner do they go out of Ireland than they enjoy rights quite similar to those of Englishmen. There are about 86 members in the House of Commons representing Ireland. But the British Members of the House, blinded by their self-interest, do all they can to prevent the Irish from succeeding in their efforts. For this reason, some Irish leaders now wish to adopt a different line of action to have their grievances redressed. That movement is called *Sinn Fein*[1], which, literally translated into Gujarati, means exactly our *Swadeshi* movement. Day by day, the *Sinn Fein* party is growing stronger. In their struggle, passive resistance is one of the main weapons. Till now, Irishmen favoured violent action. While the Irish

[1] Irish for "ourselves alone". It was an Irish nationalist movement founded in 1905 which developed into a mass republican party and succeeded in establishing the Irish Free State.

people are tenants, the landlords are British who are foreigners there. As a remedy, the tenants often resorted to violence against their foreign landlords. Now it has been decided to educate the people for gradually withdrawing the Irish Members from the British Parliament, refraining from taking disputes between Irish parties to the law courts established in Ireland, and boycotting British goods even at the cost of hardship to themselves. Through such measures they would raise the resounding cry of *Swadeshi* or *Sinn Fein*, so that without any violent struggle taking place the British would ultimately be obliged, or might agree, to grant Home Rule to Ireland, or would quit Ireland, and the Irish people would have an absolutely independent government.

This movement had its roots in Austria-Hungary in the south of Europe. Austria and Hungary were two separate countries. But Hungary was under the rule of Austria and was always exploited by it. To discomfit Austria, a Hungarian named Dick taught the people that they should not pay any taxes to Austria, should not serve any Austrian officers, and even forget the very name of Austria. Though the Hungarians were very weak, this kind of spirit enabled them in the end to assert themselves against Austria. Now Hungary is not regarded as subject to Austria, but claims parity with it.

These instances deserve to be emulated by the Transvaal Indians. They clearly prove that what is known to have happened earlier in history must also happen in the case of Indians in the Transvaal. That is to say, none can imprison thousands of men or deport them. But every Indian ought to be prepared to be imprisoned or deported; and to prove that Indians are so ready, some of them shall indeed have to suffer imprisonment, even deportation. The Indian who may be called upon to suffer deportation or imprisonment will be said to have truly lived and won the battle of life. His name will be immortal, and he will have fully met the claim of the motherland on him.

[From Gujarati]
Indian Opinion, 7-9-1907

173. PRIME MINISTER'S VIEWS

Sir Henry Campbell-Bannerman has replied to Mr. Ritch that he will not receive the deputation of the South Africa British Indian Committee. Reuter has cabled a summary of his reply. According to the cable, the Prime Minister has stated that he has already written to the Transvaal Government to say that the new law is bad. But the Transvaal now enjoys self-government, and hence he cannot interfere in the implementation of the Act, nor is he in a position to exert much pressure on the Transvaal just now. Sir Henry seems to have taken

nearly twenty days to send such a reply. We infer from this that the Imperial Government has received information from the Transvaal that the Indian community will, in the end, accept registration without the use of force. We think General Smuts has been encouraged to say this by the fact that some persons have taken out registration certificates and others are about to do so. If our inference is correct, there is no cause for disappointment at Sir Henry's reply. The time for Sir Henry to intervene will come when the real struggle begins, and Indians, even when sent to gaol or deported, remain firm and do not submit to the law. If even at that time he does not intervene, we shall believe that the sun of the British Empire is about to set. For, if the Imperial Government does not protect innocent people when they are being oppressed, commonsense tells us that God will deprive it of its power. How can he be called a king who does not protect?

But the struggle of the Indians has little to do with whether Sir Henry intervenes or not. The struggle this time is a test of our own strength. We shall not submit to the law which we condemn at present, only because we find the Imperial Government weak. If the Imperial Government merely looks on with folded hands while we are being ruined, Indians will have to depend on their own strength to stay on in the Colonies. And if they are averse to face imprisonment, etc., they will be ruined in the Colonies and meet a miserable end, for we believe that living a dog's life is worse than death.

Commenting on Sir Henry's letter, an influential British journal called the *Pall Mall Gazette* has stated that Sir Henry has displayed cowardice and baseness in allowing the rights of Indians to be abrogated, and that the Home Government will have to pay for this cowardice. A cable to this effect is published in *The Sunday Times* of Johannesburg. We can assume from this that the struggle in England is not over.

[From Gujarati]
Indian Opinion, 7-9-1907

174. NATAL MUNICIPAL FRANCHISE ACT

There has been a long argument whether Indians in Natal should have the municipal franchise or not. But so far it was impossible to determine what the result would be. Now we find from Press reports that Lord Elgin has disapproved the Bill. The reason given is that in the matter of licences the Natal Government has failed to satisfy the Imperial Government. There is no doubt that this is the result of the existence of the South Africa British Indian Committee and the vigorous fight put up by it. Our readers will recall that on numerous occasions Mr. Ritch wrote to Lord Elgin in connection with the Bill on behalf

of the Committee. But we need not be particularly elated by this success. We ourselves do not attach much weight to municipal rights. They sometimes prove to be burdensome, unless one has the knowledge and the strength to use them. Though in the eyes of the law the white skin and the brown skin may have equal rights, we can see that in America at present they alone will make a mark who have more energy, are better educated, and are more intelligent and public-spirited. It is the same in the Cape Colony. Here Indians, Kaffirs and whites, all the three have equal rights of vote; yet the Indian community has been steadily losing ground. The weapon of franchise has been rusting, and such laws about trade licences as suit the whim of white merchants are being enacted. In our view, the first lesson of this is that the Indian, whether poor or rich, ought to have in him a spirited sense of his manhood. He must make himself strong enough to fight or make sacrifices in other ways for the rights of the community. The part the Transvaal Indians play will show whether this is the time when we shall acquire these qualities or whether we shall have to wait for them for many years yet.

[From Gujarati]
Indian Opinion, 7-9-1907

175. PAMPHLET BY DR. NUNDY

Dr. Nundy[1] has published a pamphlet on the new law. It is priced 1s. He has made in it a slanderous attack on Lord Selborne, Mr. Curtis, Mr. Chamney, Mr. Cody and others, and made similar comments on Mr. Gandhi, too. I do not think it necessary to reproduce here the substance of all those comments. He has made a suggestion in the pamphlet that the new law should be repealed and a Commission appointed to ascertain the rights of Indians, and afterwards new registers should be issued to them. There is no difference between this suggestion and the offer of voluntary registration. To that extent Dr. Nundy's pamphlet can prove helpful to us. But whether the pamphlet means that the law might remain in force and only the registers should be modified is not made clear. However, it does not appear to us likely that any weight will be attached to this pamphlet since we see nothing in it which is new. I also do not think that Mr. Chamney and Mr. Cody will suffer any harm on account of the attacks made on them. Dr. Nundy admits in the pamphlet that the gaol resolution is the only thing that will benefit the Indian community. He has relied on the *Rand Daily Mail* in asserting that a suggestion was made to exempt

[1] *Vide* Vol. V, pp. 448-9.

educated people from giving finger-prints. But such a suggestion had never been made. And even if it were made, the struggle against the law would not come to an end. Apart from this, we find other [suggestions][1] too.

[From Gujarati]

Indian Opinion, 7-9-1907

176. DUTY OF DISOBEYING LAWS[2] [1]

Many years ago, there lived in America a great man named Henry David Thoreau. His writings are read and pondered over by millions of people. Some of them put his ideas into practice. Much importance is attached to his writings because Thoreau himself was a man who practised what he preached. Impelled by a sense of duty, he wrote much against his own country, America. He considered it a great sin that the Americans held many persons in the bonds of slavery. He did not rest content with saying this, but took all other necessary steps to put a stop to this trade. One of those steps consisted in not paying any taxes to the State in which the slave trade was being carried on. He was imprisoned when he stopped paying the taxes due from him. The thoughts which occurred to him during this imprisonment were boldly original and were published in the form of a book. The title of this article conveys the general sense of the English title of his book. Historians say that the chief cause of the abolition of slavery in America was Thoreau's imprisonment and the publication by him of the above-mentioned book after his release. Both his example and writings are at present exactly applicable to the Indians in the Transvaal. We, therefore, give below a summary of these [writings]:

I accept that that government is best which governs least. That is, government is a kind of disease and the greater the freedom the people enjoy from it, the more admirable is the government.

Many persons say that it would be good if America had no [standing] army or had only a small one. What they say is quite right [as far as it goes], but those who hold such a view base it on a false premise. They say that the State is beneficial; it is only the army that is harmful. These eminent men do not realize that an army is but the arm of the State and without it the State cannot exist for a moment. But we

[1] The exact word used by Gandhiji is not decipherable in the copy of *Indian Opinion* available.

[2] In this and the second article dated 14-9-1907 Gandhiji has presented a simplified version of Thoreau's ideas. The words in square brackets have been supplied from Thoreau's essay.

cannot see this because we are ourselves intoxicated with the power of the State. Really speaking, it is we, the subjects, who are responsible for the existence of both the State and the army.

Thus we see that we are deceiving ourselves. It is not the government of America that keeps the people free, or educates them. The [achievements of] government that we observe are, in some small measure, the result of the inherent character of the American people. In other words, though we are educated and intelligent, we are somewhat less so than we could have been if it were not for the government.

But, I do not ask for no government at once, but at once for a better government. This is the duty of every citizen. It is a great error to believe that nothing but justice prevails in a country in which everything is decided by a majority vote. Much injustice continues to be perpetrated because this error is not recognized. It is a mere superstition to believe that what is done by a multitude is bound to be right. Can there not be a government in which majorities do not decide right and wrong, but conscience? Must the citizen always resign his conscience to the legislators? I would say that we are men first and subjects afterwards. It is not necessary to cultivate a respect for the law so much as for the right. The only obligation which I have a right to assume is to do at any time what I think right. Law never made man a whit more just. But I have seen and I do see that even ordinarily well-disposed persons become, through their simplicity, the instruments of injustice. One result of an undue respect for law is that we may see people taking to soldiering and, like monkeys, mechanically carrying out the orders of their superiors unquestioningly. Many people thus take to it [soldiering] as their profession. They have no doubt that it is a damnable business in which they are concerned; yet they rush to join it. Are they men, or axes in the hands of butchers? Such men are on a level with wood and earth and stones. How can that kind of men command any respect? How can they be valued better than dogs or cats? Then some others become advocates, ambassadors or lawyers. They imagine that they serve the State with their heads. But I find that, unintentionally and unconsciously, they also serve Satan. Those who obey their sense of justice while holding the reins of government are always found to be in conflict with the State.

[From Gujarati]

Indian Opinion, 7-9-1907

177. DANGER OF FINGER-PRINTS AT DURBAN

For some days past, people have been talking about the Immigration Officer taking thumb-impressions of witnesses when a domicile certificate is issued to an Indian going home *via* Durban. Some people even say that the Congress should put up a fight in this matter. There is no law yet for such thumb-impressions to be taken, but we believe that this procedure is the first step in the making of such a law. In such matters, the individuals themselves have to do much more than any help that the Congress can give. The Congress can do nothing about men who, for serving their personal ends, give the thumb-impressions when demanded. What evidence is to be considered sufficient for the purpose of issuing a domicile certificate is left to be determined by the Immigration Officer. The Officer can, without asking for the finger-prints, refuse to issue the certificate; and when a man goes begging for such a certificate with entreaties, the Officer may exploit the man's need and make him give the thumb-impression. We are not suggesting that this method is either proper or just. Nor do we deny that it may be possible to fight this legally under certain conditions. Though in putting up such a fight we may ultimately win our point, it is also probable that we may lose. Such hardships are bound to continue so long as some Indians make false affidavits and want to obtain domicile certificates by improper means. But we see no need at present to draw attention to this. We are certain that if we win the Transvaal fight, that is, if the Indian community adheres to its pledge, suffering hardships of all kinds, rather than submit to the obnoxious law, the tree of aggression against our community that has been planted in the Transvaal will not be allowed to grow. And then, we believe, no other Colony will be able to enact a law of this kind. The Imperial Government is at present faced with an impossible situation.[1] If, therefore, we fight to the last in the Transvaal, Lord Elgin will never think again of advising the King-Emperor to give assent to such a law.

[From Gujarati]
Indian Opinion, 7-9-1907

[1] In the original Gujarati, Gandhiji has used a proverb which refers to the dilemma of a snake trying to swallow a shrew-mouse. Whether it swallows or ejects the shrew-mouse, it comes to grief.

178. JOHANNESBURG LETTER

The plague of the Permit Office went to a certain village, but disappeared without being able to infect a single person. Not even an Indian prisoner got the infection. The anti-plague squad of physicians—the volunteers—was ready, but wherever the people had a strong physique, the physicians were not needed.

Such a report has now become a common thing. Hence I do not write at length to give congratulations to Standerton, Heidelberg and Volksrust. We have now got used to this plague. The remedy for it has also been discovered. The same remedy is being supplied to all from Durban. Who is to be singled out for congratulation when all maintain good health, with or without the use of medicine? Who is to be praised where all work in harmony? Hence I for one shall now praise God alone Who has all along given the right inspiration to the people everywhere, with the result that all have unitedly and courageously stuck to their duty. But I must say repeatedly that, though the work referred to above was necessary, the more important work is yet to be done. It would be a great mistake for anyone to imagine that we would succeed only by boycotting [the Permit Office] and without any hardships, without being imprisoned or deported. We ought to remember that "Happiness comes if we suffer."[1] Moreover, without the experience of suffering, the true value of happiness cannot be known. How can he value sunshine who has not braved cold? If every pebble were a diamond, who would touch a diamond?

Hamidia Society

This Society has been working with extraordinary courage. I can see that the struggle we are engaged in is a righteous war. We are faced with the question of our faith. Prayers are being offered in the mosques: "Oh God! Help us if we are right." Only this choice is now being placed before the people—either the law or the faith. A forceful speech in this strain was made last Sunday by Moulvi Saheb Ahmed Mukhtiar. Quoting verses from the *Koran*, he proved that "the Muslims had but one duty, which was that now their petition should be placed before God alone. The true deputation is to wait upon Him alone. That Great Judge is not influenced by anyone. He does not yield to anyone's pressure, and the colour of the skin does not count with Him. He scrutinizes only the colour of our hearts. With Him on one's

[1] A Gujarati proverb

side one will never suffer defeat." I advise all my Indian brethren to have these words of the Moulvi Saheb firmly engraved in their minds.

Meeting at Germiston

The Sanatan Veda Dharma Sabha organized a meeting in celebration of the birth anniversary of Lord Krishna. There, too, the same note was to be heard. Many Hindus were present. Mr. Gandhi, Mr. Polak and Mr. MacIntyre were also there. Maharaj Ram Sundar Pundit explained how a Hindu who believed in God would never submit to the Asiatic Act. Contributions were received at this meeting from the Khatris, from Babu Talevant Singh, and from Mr. Khanderia.

Some Timid Indians

Some timid Indians have addressed a letter to General Smuts through a lawyer in Pretoria.[1] It states that if only a little relief is promised by the Government, these gentlemen are willing to yield. I ought to say that such letters weaken our struggle. But I do not believe that there will be any harm in the end. For, if many Indians remain firm in their pledge, we are bound ultimately to win. But I would also add that we would have to go through more suffering on account of such timid representations. Moreover, by making trivial demands we show that we do not understand the real nature of our struggle. That struggle is for maintaining the prestige of the Indian community, for preserving our honour. We may call it our bread, and the timid letter referred to above would mean our being satisfied with dust in place of bread. It would not mean that we had won honour or that our honour had been saved merely because the police would not inspect our permits in public or would ask for our signature in place of ten finger-prints. For, the humiliating law would even in that case certainly remain. It would mean that instead of iron fetters, they would put on us fetters of some lighter metal. Our struggle is to break the fetters and smash them to pieces.

My Request

The letter in question has already been dispatched. But it is my request to the gentlemen who sent it and to the other Indians that, if they cannot keep their patience, if they cannot overcome the greed for money, they should please submit to the law without putting in any applications. In doing so, they will do less harm to the community and

[1] The reference is to the letter addressed by Messrs Stegmann, Esselen and Roos; *vide* "Monster Petition", pp. 234-6.

willl be considered to be lesser cowards. And my advice will be the same if, by chance, all Indians lose their good sense and become timid.

How to Mitigate Effect of Letter

Let us consider how to minimize or counteract the harm done by this letter. It suggests that all Indians are not behind the struggle being carried on by the British Indian Association. In point of fact, too, this is correct. It, therefore, became the duty of the Association to show how many Indians there were who accepted its views. Of course, when the proper time comes the difference between the earthen pot and the metal pot will be discovered. But the truthful man never needs to hide his truthfulness. Thinking along these lines, Mr. Gandhi suggested to the Hamidia Islamic Society that a short petition should be prepared in the different languages to the effect that the signatories were strongly opposed to the law and did not accept it, and the signatures of all Indians should be obtained on it. It cannot be doubted that such action will greatly strengthen our struggle. This suggestion was accepted by the Moulvi Saheb, Mr. Omarji Sale and other gentlemen. But Mr. M. S. Coovadia having expressed himself against it, its consideration was postponed to next Sunday. I expect that it will be passed unanimously then. On that assumption, I make the following suggestions for all. If the proposal is accepted:

1. Copies of the petition will be sent to every town.
2. Signatures should be obtained on two copies, with the signatory's name, occupation and residence.
3. The person obtaining signatures should sign his name at the corner of the petition, which means that he is a witness.
4. No signature should be taken before the person signing has properly read it.
5. Copies of the petition should be kept clean, and as the signatures in duplicate are obtained, the copies should be passed on to the Association.
6. Signatures to the petition should be obtained within ten days.
7. It is necessary to keep volunteers ready for obtaining signatures, so that there may be no loss of time.
8. The person signing should do so only if he is firm and is prepared to fight to the end.
9. If the signatures obtained are very few, the petition will certainly not be despatched to the Government.
10. It will be a good thing, and will save time if, on reading this, people in every town communicate to the Association by telegram or letter the strength of the Indian population in it.

Even if this petition is not sent to the Government, by obtaining the signatures we shall have known the measure of truth and courage in the people. If most of us are not true and sincere, we shall certainly not win. But at the same time I also agree that if, after once taking up the idea of this petition, we are not able to send it, to that extent our weakness will have been exposed. But those who depend on God are glad, rather than frightened, when a weakness is exposed. It is wisdom to sort out the bad coins from a mixed heap of good and bad coins. So much the less would be the burden for us to carry. All these ideas are simple enough to be immediately understood.

Vice among Us

What I observed at the last meeting of the Hamidia Society had led me to think that whatever vices we have will be swept away along with our cowardice. It cannot be that we shall continue to be deceitful and cunning after having placed our trust in God on the question of the new law. So pure is our present struggle! There is a Hindu in Pretoria who, it is said, cruelly beat up another Indian, having been intoxicated with drink. The latter became unconscious. The assailant has not yet been prosecuted. I do not know what the result will be. But it appears to be widely known that he has committed the assault. In Johannesburg some Indians are charged with robbing a poor Indian. There is no doubt that the Indian was robbed. It is positively asserted that the accused are innocent. Yet another Indian who has been arrested is charged with minting counterfeit coins. All these cases show that there are vices among some of us. Speaking at the Society meeting, Mr. Essop Mia stated that such cases should not at all occur. And in case there are civil suits or disputes, they should be settled privately among the parties without filling the coffers of lawyers and the Government. I believe this suggestion deserves to be carefully considered and acted upon. If in consequence of our present struggle we forget the differences between Hindus and Muslims, give up internal quarrels and, in case they occur, settle them privately, and also give up other vices, the thirteen thousand Indians will earn the admiration of the entire world, and their names will be recorded for all time in God's book. It is an act of no small meanness that one Indian should falsely accuse another through malice or blackmail him. That one man should assault another is not merely petty cruelty. It is no little shame that an Indian should take liquor. With a little effort, these evil habits can be eradicated. To smash the new law, I believe it is necessary also to stamp out these evils.

First-class Cab

The Johannesburg Municipality contemplates a regulation debarring Indians from using a first-class cab. Mr. Essop Mia has addressed

a strong protest against this.[1] And now it is proposed to amend the regulation so as to enable an Indian lawyer or doctor to use such a cab. Is it intended that an Indian lawyer or doctor desiring to hire such a cab should carry a signboard on his person? How else will the "cabbie" recognize a doctor or a lawyer? A lawyer in rags can hire a first-class cab, but a well-dressed Indian who is not a lawyer or doctor cannot do so! Mr. Essop Mia has sent another letter of protest[2] against such an absurd amendment, saying that such an amendment will amount to adding insult to injury. The Indian community therefore does not want this amendment. This proposal of the refuse-removing Municipality should be a shock to those taking out new registers.

[From Gujarati]
Indian Opinion, 7-9-1907

179. LETTER TO REGISTRAR OF ASIATICS[3]

[JOHANNESBURG,
September 11, 1907]

[THE REGISTRAR OF ASIATICS
PRETORIA]

SIR,

Messrs Mahomed Ebrahim, Boosa Kara, Kara Vally and Issa Asmail each received, on the 27th ultimo, 14 days' notice, under the Peace Preservation Ordinance, to quit the Colony. My clients accordingly, on the 2nd instant, took out third-class tickets to Delagoa Bay and thus proceeded to comply with the terms of the notices. At Komatipoort, however, they were detained and prevented from entering the Portuguese territories. The sergeant at the Transvaal Border endeavoured to secure for them entry into Delagoa Bay, but to no purpose. My clients were subsequently detained at the gaol in Komatipoort for, as they state, five days. The sergeant then bought for them tickets for Durban. On their applying for embarkation passes to pass through Durban, they are required to deposit £11 as also to buy their passage in Johannesburg. My clients inform me that they are too poor to either deposit the money or buy their passage in Johannesburg. I am in possession of their railway tickets. I shall be obliged if you will kindly let me know what my clients are now to do. They are quite willing to leave the country, if provision can be

[1] *Vide* "Letter to Johannesburg Municipality", p. 195.
[2] *Vide* "Letter to Johannesburg Municipality", p. 206.
[3] This was published in *Indian Opinion*, 14-9-1907. A copy of the letter was forwarded by L. W. Ritch on October 7 to the Under-Secretary of State for India.

made for them. I have also the honour to enquire why my clients were detained at the gaol in Komatipoort.[1]

[*I have, etc.*,
M. K. GANDHI]

Colonial Office Records : C. O. 291/121

180. FROM PILLAR TO POST

We reproduce in another column a letter[2] addressed to the Registrar of Asiatics regarding certain Indians who, having received notice to quit the Transvaal, and having attempted to cross over to Delagoa Bay, were turned out. These men, staying in the Transvaal, run the risk of being imprisoned for at least one month. They state that they are too poor to deposit monies for embarkation passes to Natal. What are they to do? We await the Government's answer before commenting on the facts. In the meanwhile, the facts brought up show what the Asiatic Registration Act means to Indians.

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181. WHAT BITTER SUFFERING!

The communication received from Mr. Ritch this week will explain to everyone what bitter suffering will follow if the Indian helmsmen, after having put in a strenuous effort, desert the ship of their gaol-going struggle at the sight of the angry waves. All the same, let us consider why it will be so.

The South Africa British Indian Committee has come to place its trust in us. The Committee therefore openly expresses its sympathy. Mr. Ritch has written a letter[3] to the Prime Minister on behalf of the Committee in which he gives a correct account of what we want. This is not a struggle for securing petty concessions. We would not spend so extravagantly merely to have our iron shackles gilded. Mr. Ritch makes a categorical demand that the law must be repealed. The reader should go through the letter carefully to see what other demands have been made. If the Indian pilots now abandon the ship that is nearing the

[1] To this the Registrar replied that the men were permitted to use the police cell as "they knew of no place where they could reside" and that the action of the police was solely in the Indians' interest. The necessary provision having been made, the men left later for Durban; *vide* "Johannesburg Letter", pp. 268-9.

[2] *Vide* the preceding item.

[3] *Vide* Appendix V.

shore, what curses will not descend upon them? They are the custodians of the good name of India—of the honour of Indians. They have been wrestling with fire, and it is nothing to be afraid of if they receive a few burns. He who is afraid will be destroyed.

Consider what the editor of *The Saturday Review* says. It is a journal of standing and carries considerable weight. It belongs to the Conservative Party, yet it asserts forcefully that the Indian community is right in having resolved not to submit to the law but to go to gaol instead. If the British Government should leave Indians in the lurch, it would be a disgrace. Having achieved so much, will the Indian leaders now prove that the struggle was a sham? Blind in their greed of money, will they plunge spears into the bowels of thousands? Will they prove the whole nation to be cowardly and abject?

The Nation is said to be a very independent journal. It wields great influence with the Liberal Party. An Englishman writing under well-known initials states therein that no other event has created so much stir and displeasure in India as the oppression now being inflicted on Indians in the Transvaal. This shows that, if in the present fight Indians lose heart, they will do much harm to India. The resolve which the Transvaal Indians have made, and which has received so much publicity, is without parallel even in India. It is, therefore, imperative that Indian leaders realize their responsibility.

[From Gujarati]

Indian Opinion, 14-9-1907

182. "WAX IN THE HANDS OF LAW"

It is with a sense of extreme shame and regret that we publish in this issue the petition[1] that has been made by "leading Indians" from cities like Pretoria. We consider this to be a base step, and lay the blame for it chiefly on Mr. Hajee Cassim. His name is mentioned in every meeting of Indians; hence we feel no hesitation in making it public. We consider it our duty to do so. Though we blame Mr. Hajee Cassim, we realize that it is not possible for us to say that other Indians in his position would never have done what he has done. Therefore, we regard his disgrace as the disgrace of us all.

The language of the petition is abject and worthy of a slave. In using the words "we are wax in the hands of law", they have sinned against God, who alone holds sway over us. Why then should we use towards oppressive rulers language which is appropriate in regard to Him alone?

[1] Not reproduced here

The demands made are pointless. They prove that we have not at all understood the real significance of the struggle. We have stated this even earlier.[1]

Now we only ask Mr. Hajee Cassim and his supporters whether they do not realize that their disgraceful petition lowers the prestige of Indians and does harm to the cause to which they are wedded. If this is so, what will be the use of the wealth saved by such means? Therefore, if there is still time, we beg of them that they sacrifice themselves for the good of the community. Just as the Government pays no attention to the petitions of Indians, will Mr. Hajee Cassim's "government" act in the same manner?

In that case, we tell Mr. Hajee Cassim's "subjects", Indians who hang upon his words, that instead of looking up to others they are at present only to depend on their own courage and on God. We are all to be on the side, not of any Indian, but of God. They should plunge themselves into the struggle, putting their honour into His hands. We hope that every Indian will think for himself.

[From Gujarati]
Indian Opinion, 14-9-1907

183. RITCH'S LABOURS

Mr. Ritch has surpassed all expectations. He is indefatigable. We publish elsewhere a translation[2] of the cabled summary of his letter to *The Times* of London. It deserves careful reading.

On the one hand, some Indians are giving up the struggle and betraying signs of weakness. On the other, Mr. Ritch and the Committee are working very hard on our behalf. *The Times* of London has lashed out at the Transvaal Government while commenting on the letter of Mr. Ritch; this is bound to have some effect. When such a fine struggle is being carried on in England, Indians, for their part, must remain united and act upon their resolution with courage, placing their trust in God. This reckoning stands to reason. We want that no Indian should ignore it.

[From Gujarati]
Indian Opinion, 14-9-1907

[1] *Vide* "Johannesburg Letter", pp. 220-4.
[2] Not reproduced here

184. HARASSMENT OF INDIANS

Four Indians were ordered to leave the Transvaal. While on their way to Delagoa Bay, they were stopped at the Transvaal border, taken into custody and subjected to much harassment. Mr. Gandhi has written a letter[1] to the Registrar in this connection which we publish elsewhere. Though these people are willing to leave the Transvaal, they cannot do so. If they remain in the Transvaal, they will be liable to a month's imprisonment. What are they to do then? What does this all show except that the Government simply wants to harass the Indians, taking them to be a harmless lot? This case fully exposes the intentions of the Government in enforcing the Asiatic Registration Act. Will Indians go on tamely submitting to all this?

[From Gujarati]

Indian Opinion, 14-9-1907

185. DUTY OF DISOBEYING LAWS [2]

We have already given some portion of Thoreau's essay on this subject.[2] The rest is given below.[3]

A wise person will only be useful as a man, and will not submit himself to be [treated as] clay. He who associates himself with the America of today is as good as a coward. I cannot recognize that government to be my government which is the slave's government also. Mankind has the right to refuse allegiance to and resist the government when its tyranny becomes unendurable. Some people say that such is not the case now. That is, the attack is not on them; if others are attacked, those who hold this opinion are unconcerned with it.

All machines have their friction, and the same is true of every State. Perhaps it may not be necessary to oppose [the State] in order to free it of such friction. But when the friction comes to have its machine, when tyranny takes the form of law, such a State cannot be tolerated by true men.

One must do justice and maintain truth, cost what it may. If I have unjustly wrested a plank from a drowning man, I should restore it to him though I may be drowned myself. In the same way, we must cease to hold slaves though it cost the existence of the American State.

[1] *Vide* "Letter to Registrar of Asiatics", pp. 224-5.

[2] *Vide* "Duty of Disobeying Laws[1]", pp. 217-8.

[3] The translation given here has been collated with the original in English.

We are accustomed to say that the mass of men are unprepared; but improvement is slow because the few who desire it do not have enough courage. It is not so important that many should be as good as you as that there be some absolute goodness somewhere; for that will leaven the whole lump. There are thousands who in opinion are opposed to slavery, but act contrary to their view. They, esteeming themselves children of Washington, sit down with their hands in their pockets and say that they know not what to do, and do nothing. At the most they give lectures and send petitions.

There are nine hundred and ninety nine persons who profess virtue to one virtuous man. Yet he who acts virtuously, though he be the only one, is of far greater worth than those who only profess it. There may be many warders of a treasure, but none of them can give away a single farthing from it. The owner of the treasure may be only one, yet he can give away everything from it.

Voting for the right is not the same thing as doing the right. When the majority shall at length vote for the abolition of slavery, it will be because there is but little slavery left to be abolished. That is, the foundation for the [formal] abolition was [already] laid by the men who abolished it in practice.

I do not say that it is a man's duty, as a matter of course, to eradicate a wrong wherever he finds it; but it is his duty, at least, not to give it practically his support. How can a man be satisfied to entertain an opinion merely, and enjoy it?

If someone steals my goods, I do not rest satisfied with saying that it was not a good thing that I was robbed, but I take effectual steps to recover what was stolen, and see that I am not robbed again. He who acts on his principles becomes a different kind of man. Such a man cares neither for his country nor for his relatives nor his friends. But, serving truth, he serves all of them.

We admit that unjust laws exist. Do we transgress them at once? Men generally say that these laws will be repealed when a majority of people disapprove them. They think that if they should resist, the remedy would be worse than the evil. But it is the fault of the government itself that the remedy is worse than the evil, not of those who resist it.

I do not hesitate to say that even if there is only one man in Massachusetts who is opposed to slavery, he should effectually withdraw his support from the government, both in person and property, without waiting till there is a majority on his side. For, he is not alone. God is ever on his side. Any man more right than his neighbours constitutes a majority of one already. I meet the American government directly and face to face once a year in the person of its tax-gatherer. At that time, I must definitely refuse to pay the tax.

I know this well that even if only one *honest* man in this State of Massachusetts refuses to pay taxes in order to oppose slavery, and is locked up in gaol therefor, it would be the abolition of slavery in America. What is once well done is done for ever. But we love better to talk about it; that we say is our mission. There are many newspapers in the service of the movement for abolition of slavery, but not one man.

Under a government which imprisons any unjustly, the true place for a just man is also a prison. Hence, the proper place today for good people in Massachusetts is in her prisons. In a slave State prison is the only house in which a free man can abide with honour. If they think that in that case their influence will be lost and none will be left to fight injustice, they do not know how to fight evil. They do not know how much stronger truth is than error. Those who are in gaol, suffering the tyranny of injustice, can combat injustice more effectively from there than from outside. So long as a minority conforms to the majority, it is not even a minority. They must throw in their whole weight in the opposite direction.

When talking with my neighbours, I find that they dread the consequences of disobedience to the government to their property and family. For my own part, I would find it depressing to think that I ever rely on the protection of the State.

I think it is disgraceful to submit to a tyrannical State. It is easy and good to oppose it. I have paid no poll-tax for six years. I was put into gaol once on this account for one night. As I stood considering the walls of the prison and its iron gates, I could not help being struck with the foolishness of the State. For, those who had imprisoned me must have thought that I was made of flesh and bones only. Those fools did not know that though confined within walls, I was freer than others. I did not feel that I was in a prison. Rather, I thought that those who were outside were the real prisoners. As they could not reach me, they punished my body. In consequence, I became more free, and my ideas in regard to the State became more dangerous. I have seen that, when small children can do nothing to a person, they abuse his dog. In the same way, the State hurts my body as it can do nothing to me.

I also found that the State was afraid of hurting my body. So I lost all my remaining respect for it.[1]

[From Gujarati]

Indian Opinion, 14-9-1907

[1] This was followed by the editorial note: "This article, published in the last and the current issues, will be brought out next week in the form of a pamphlet priced 6d, with postage 7d."

186. JOHANNESBURG LETTER

Wretched India

Everywhere the Indian is in a sad plight. Now comes a report from America that Indian labourers in Washington were belaboured by cowardly whites and that four of them were wounded. The rest of the labourers are running away in panic. These white assailants I regard as cowards, for it was not particularly brave for a thousand of them to have attacked the innocent labourers. They are cowards who oppress those weaker than themselves. There is a proverb among us that an angry potter will twist the ears of his donkey.[1] Similarly, these cowardly whites assault the employees, because they can do nothing to the whites who employ Indians. The truly brave are those who use their strength against persons stronger than themselves.

The Mayor of Washington has assured the Indian labourers that he will protect them and that they are welcome to return to their jobs. He has engaged a special police force to protect them. This fact does credit to the Mayor. There is a Press report that the Foreign Office in England is also looking after them.

The lesson to be drawn from this assault seems to be that Indians will be able to hold their own in foreign countries only if they cultivate courage. If the whites kick us every day, no protection can be given by the Imperial Government or any other Government. God does not help those who live like cowards. Living amidst tigers and wolves, we can do only two things. True courage lies in absence of fear of wild animals. Tigers and wolves too have been created by God, and we should view them without any ill-will. This can be practised only by saints or true devotees after a long period of devotion to God. There is a second type of courage which consists in facing tigers and wolves with weapons. This also involves risk to one's person. Such is the plight of those living in the midst of whites. A saint will not go to distant lands seeking a livelihood. Ordinarily, therefore, we need courage of the second kind. To have that courage we need to be brave in facing physical dangers and to discipline the body. According to Mrs. Besant[2], all Indians, high and low, should learn wrestling and other physical exercises to train all parts of the body.

[1] The actual proverb is, "The potter, unable to punish his wife, twists the ears of his donkey."

[2] (1847-1933), Theosophist leader, President of the Indian National Congress, 1917, author of *The Religious Problem in India* (1902) and other books.

All this will be possible only if we feel the urge of self-respect and cultivate a sense of manliness.

Polak's Letter

An Englishman writing in *The Star* says that, on the whole and comparatively speaking, Indian merchants are honest. That is why the white merchants give them credit. However, the writer adds that, since the money earned by the Indian merchants does not circulate in the Transvaal, they should be turned out. Mr. Polak has replied to this in a long letter saying that Indian money does not circulate much in the Transvaal only because Indians have no rights of land or those of any other kind. He has mentioned the instance of the Indian offer of help when contributions were raised for fire relief in Potchefstroom, and has [otherwise] discussed the whole Indian question quite well.

Permit Office

The Permit Office goes on with its perambulations. There is no need now to congratulate the remaining places. Everywhere the same thing happens. All have been boycotting the Permit Office. We have found it easy to take this line of action, and it does not require much courage. Congratulations will be deserved by those who remain true at the right moment.

Rumours

Every day strange rumours are afloat. Some say that the Memons have taken out registers, others that the Konkanis are losing courage. Yet others say that among the Surtis[1] and Hindus of Pretoria, there is a move to submit to the disgrace. As the critical hour approaches, such rumours are bound to gain currency. Cowards infect others too with the contagion of their own fear.

Absurd Threats

It is found that there are some "brave" Indians who, when piqued against a fellow-Indian, say that they will get themselves registered if the friend does not do a particular thing. Such a threat causes both amusement and sorrow. "If you do not do this, I shall jump into a ditch." One cannot understand what the other person will lose thereby. Hence, those who receive such threats should give an unhesitating reply to these braves: "The gates of the slavery office are always open. I for my part wish that those who have lost their manliness should get themselves registered." The test of the genuine ones will prove their worth a hundred per cent. *The Friend* of Bloemfontein was not wrong when it

[1] Residents of Surat, town in Gujarat

said that the poisonous Transvaal law would draw out the brave to risk their heads in fighting, leaving the cowards behind. We read in the prize poem on gaol-going:

> "Shall we live as thieves and informers,
> As cheats and robbers?"

Such a time is fast approaching. I am sorry to have to say that those submitting to the law will be reduced merely to that level.

[From Gujarati]
Indian Opinion, 14-9-1907

187. LETTER TO W. V. HULSTEYN

[JOHANNESBURG,]
September 17, 1907

SIR WILLEM VAN HULSTEYN, M. L. A.
P. O. Box 46
JOHANNESBURG

SIR,

I have the honour to acknowledge the receipt of your letter of the 16th instant regarding the letter addressed to you by the Assistant Honorary Secretary of the British Indian Association on the 14th instant.

You have been pleased to advise the community represented by my Association to assist in carrying out the laws of this Colony. I beg to draw your attention to the fact that, hitherto, the community has always done so, and it will continue to do so, whenever such laws do not put on the community an unwarranted affront and do not wound its religious susceptibilities. To the Asiatic Registration Act, British Indians have undoubtedly been advised by my Association not to submit, because, in my humble opinion, it is their duty first to submit to a higher law, namely, that which dictates to mankind an idea of self-respect and respect for declarations solemnly and sincerely made. To accept the Registration Act, in my humble opinion, takes away every vestige of manliness from Indians and would make them godless, and it was in order to invite your attention to this fundamental issue that the letter of the 14th instant was addressed to you. It would be childish for any responsible British Indian to advise the community to enter upon a life-and-death struggle and to be prepared to sacrifice all their material wealth for the sake of avoiding finger impressions.

My Association is quite aware of the threat you have seen fit to use in your address—the subject-matter of this correspondence—and to repeat in your letter under reply, but I hope you will pardon me for saying that it loses its force on those who have never concealed from

themselves the fact that the Government is not only strong enough to enforce the Law but that it has declared its intention so to do. Whether such enforcement of the Law will redound to its credit, or whether, if my countrymen remain firm, all the credit will be due to them for undergoing unmerited suffering is a question which can safely be left to posterity to decide.

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI
HONORARY SECRETARY,
BRITISH INDIAN ASSOCIATION

Indian Opinion, 28-9-1907

188. CABLE TO G. K. GOKHALE

[JOHANNESBURG,
Before *September 21, 1907*]

[G. K. GOKHALE[1]
CALCUTTA]

BRITISH INDIAN ASSOCIATION TENDERS THANKS CABLE.[2] GREATLY ENCOURAGED. WILL FIGHT BITTER END FOR HONOUR, RELIGION AND SOLEMN DECLARATION. NEED ALL SYMPATHY WE CAN GET. CLAIM UNANIMOUS APPROVAL SUPPORT ALL PARTIES. STRUGGLE NOT UNRESTRICTED INFLUX BUT SELF-RESPECT THOSE ENTITLED REMAIN ENTER.

Indian Opinion, 21-9-1907

189. MONSTER PETITION[3]

[JOHANNESBURG,
Before *September 21, 1907*]

TO
THE HONOURABLE THE COLONIAL SECRETARY
PRETORIA

SIR,

We, the undersigned British Indians residing in this Colony, hereby beg to dissociate ourselves entirely from the letter addressed to you on

[1] (1866-1915), distinguished Indian statesman; *vide* Vol II, pp. 377-8.
[2] *Vide* "Help from India", p. 240-1.
[3] It appears the petition was circulated for signatures in Hindi, Gujarati, Tamil and English. It was actually presented on November 1 after the signatures of 4,522 Indians were obtained; *vide* "Letter to Colonial Secretary", pp. 320-1.

behalf of some leading Indians of Pretoria, Pietersburg, Standerton and Middelburg by Messrs Stegmann, Esselen and Roos, and dated the 30th day of August, 1907, regarding the Asiatic Law Amendment Act, No. 2 of 1907.

We respectfully submit that nothing short of total repeal of the Act can meet the difficult situation that has arisen. In our humble opinion the Act is degrading to our self-respect, offensive to our religions, and in its incidence it is such as can be thought of only in connection with dangerous criminals. Moreover, the solemn declaration made by us renders it imperative for us, as honest citizens of the Empire and God-fearing men, not to submit to the provisions of the Act, irrespective of any consequences which we may have to suffer, and which we understand to be imprisonment, banishment and/or loss or confiscation of our property.

In making the above statement, we do not desire to shirk an enquiry into the allegations as to surreptitious entry by British Indians on a wholesale scale, or to refuse to hold documents that in the opinion of the Government may sufficiently identify us.

We therefore respectfully pray that the Government will be pleased to recognise British Indians in the Transvaal as men and worthy citizens in this free and self-governing Colony.

We have the honour to be,
Sir,
Your obedient servants,

INSTRUCTIONS WITH REFERENCE TO THE TAKING OF SIGNATURES FOR THE ABOVE PETITION:

1. All signatures should be in ink.
2. Every sheet provides for 50 signatures. No more than 50 signatures should, therefore, be taken on each sheet.
3. Signatures should be taken in duplicate.
4. In the address column should be given the number of Street, as well as the Stand wherever possible. The name of the town in which the signatures are taken may be given only once.
5. Great care should be taken not to soil the sheets.
6. So far as possible signatures should be given legibly. Where they are not in English, the person taking them should give the English equivalent; and, where the signatory puts only a cross, the cross should be witnessed by the person taking the signatures.
7. In no case should signatures be taken without the person signing reading the petition and if he cannot read any of the languages, it should be read over to him.

8. The person taking the signatures should sign at the foot on the line reserved for the purpose.
9. Duplicate sheets should be sent to the Secretary, British Indian Association, Box 6522, Johannesburg, as early as possible.
10. All signatures should be returned, at the latest, by the 30th September.
11. No pressure whatsoever should be put upon the people, and no one need sign who is not prepared to carry out the resolve of non-submission to the bitterest end.
12. The sheets should not be folded but kept rolled, and should be sent also rolled.

Indian Opinion, 21-9-1907

190. A MONSTER PETITION

The Transvaal Indians are to be congratulated on having organised a monster petition to the Government. It forms a complete answer to the document we had the misfortune to reproduce last week.[1] The petitioners have, once for all, placed on record, in the briefest terms possible, the main issue. The petitioners, in frank but respectful language, inform the local Government that nothing short of total repeal of the Asiatic Registration Act can possibly meet the emergency. They couple the statement with another to the effect that, in asking for a repeal, they do not shirk any inquiry into the allegation of a surreptitious influx of Asiatics, nor do they decline to exchange the permits at present held by them. The fundamental issue, therefore, is—are Indians or are they not to be recognised as self-respecting citizens of the Empire? Our contemporary, *The Star*, the other day twitted Indians on having misled their friends in England as to the real cause of the struggle, and it credited British Indians with fighting against ten digit imprints only. Almost at the time *The Star* wrote, Mr. Ritch, the indefatigable Secretary of the South Africa British Indian Committee, was writing to the *Lancashire Daily Post*, from which we take the following:

> It is, of course, true that the Asiatic Registration Act requires British Indians as well as alien Asiatics 'to submit to a registration for identity', and that the regulations for administration of the Act include the taking of the ten digit imprints, a precaution associated almost entirely with criminality. But to rightly understand the full measure of the burden of disability borne by our Indian fellow-subjects in the Transvaal, it is necessary to recognise that this particular

[1] The reference is to the letter of Messrs Stegmann, Esselen and Roos; *vide* the preceding item.

humiliation is but an incident, and unimportant compared with the larger principle involved in the question of the right of the Transvaal British Indian community to treatment as civilised subjects of the Empire, and as such to protection by their overlord from their invasion and dispossession of that most elementary right.

The case for Indians could not be put more clearly.

Indian Opinion, 21-9-1907

191. THE WEENEN LICENSING APPEAL

It is not often that we find ourselves in agreement with decisions of trade-licensing officers and licensing boards, but hard as Mr. Bhayat's case[1] was, we are bound to admit that, on principle, the decision of the Licensing Officer, as also of the Board, was free from reproach. The Licensing Officer, Mr. Ingram, gave full and luminous reasons for his decision, and we believe him when he states that, had the position been reversed as to race, his decision would have been the same. In view of the prejudice that exists in the Colony, our countrymen must make up their minds that unrestricted trade is impossible in Natal, if not in South Africa. The minimum that must be guaranteed, and that, in our opinion, must be insisted upon at any cost, is that existing licences shall be sacredly guarded, but with reference to new applications, as we understand Mr. Bhayat's was, local opinion, distribution of licences, and the requirements of supply and demand must largely guide Licensing Officers. Indeed, without the aid of the law, it is open to any community to boycott any class or number of traders or others whom it may not want. It is only when the assistance of the law is invoked, in order to feed the fire of prejudice, that the latter becomes insufferable, and a stronger hand is necessary to undo the mischief. At the same time, cases like Mr. Bhayat's cannot but evoke sympathy. Here is a man, who is evidently respected by all classes, is an able merchant of long standing, has rendered assistance to the British Government in the very Division in which he wants a licence to trade, and there is no moral or economic ground on which his application can be rejected, but these hard cases will always occur wherever clashing interests crop up, and where self-interest is allowed largely to dictate a particular policy. So it is prudent for the victims to recognise facts as they stand, and to so marshal their forces as to oppose them all to a deprivation of existing rights and their self-respect.

Indian Opinion, 21-9-1907

[1] *Vide* Vol. V, pp. 360-1, 364-5 and 374.

192. TRANSVAAL STRUGGLE

In this issue we publish a translation of the papers sent by Mr. Ritch, to which every reader should pay very close attention. A battle royal is going on in England on the subject of the new law. The struggle is entirely the result of the courage of Indians. Prominent leaders in England are getting convinced that Indians will do what they say. We have never seen such a discussion of the Indian question as the one that took place in connection with the Loan Bill. We do not exaggerate when we say that this is the first instance in the last fifty years of such vehement argument from both sides. Mr. Lyttelton is the leader of the Conservative Party. He was once Colonial Secretary. He supported our rights with great force. Sir Charles Dilke is a well-known Liberal Member, and at one time there was a probability of his becoming Prime Minister. He categorically stated that it was the duty of the Imperial Government to intervene. Apart from this, other members like Mr. Bonar Law, Mr. Cox and Mr. O'Grady also made speeches all of which were encouraging to us.

If we take newspapers into account, we find that journals such as *The Times* of London, the *Yorkshire Post*, *The Observer* and the *Pall Mall Gazette* have written strongly in our favour. Sir Charles Bruce, above all, is beyond praise. He has given a hard slap to the Imperial Government.

If this is the result merely of the Indian community having boycotted the Registration Office, is it not likely that the whole of Britain will be aroused when Indians are cruelly imprisoned? Moreover, if we think of Sir Henry's reply, it is obvious that he has not altogether declined to intervene. He has only pointed out that this is not an opportune time to do so. It only means that, if the Indian community remains firm to the last and suffers imprisonment or deportation, the Imperial Government will not remain silent. If our eyes are not opened even by these signs, which he who runs may read, and if we do not take courage from them, we shall deserve all the humiliation that can be inflicted on us. At the same time, it should also be borne in mind that if we give up the struggle now, the forces which are acting in our favour will turn against us. We see the hand of God in this. God always helps through men or other means. Therefore, Indians, be vigilant!

[From Gujarati]

Indian Opinion, 21-9-1907

193. LICENSING ACT OF NATAL

We are sorry that, in Weenen, Mr. Bhayat has lost the appeal[1] for a licence which he had made to the Licensing Board. Mr. Bhayat had a very strong case. He is an influential businessman; he had helped the Government during the war, and he is wealthy. It can never be that a man like him will be refused a licence under any law with a moral basis.

Nevertheless, we have to admit that, in the present circumstances, the decision of the Board cannot be considered unjust. We should remember that, in Natal or South Africa, complete freedom of trade is impossible for the Indian community. The Licensing Officer may or may not issue a licence, having regard to the local feelings and the number of merchants in the area, and it will be futile in the present circumstances to protest against his decisions. It behoves a wise man to give due thought to the circumstances before taking any step, and to pay attention to what is happening around him. Many hardships are being inflicted on the Indian community. We have to make up our mind in advance as to which one of these is to be given the utmost weight. Our foremost need today is to preserve our status and self-respect. If we have these, the rest will follow as a matter of course. Whatever rights we enjoy today with self-respect should be preserved. That means that we must cling to the licences which are being withdrawn, and try to retain at any cost, even by going to gaol, the licences which we hold. We are convinced that if the Indian community can do this much, the problem of the new licences will solve itself. We are sure that so long as we are taken to be cowards, our efforts will bear no fruit. We do not mean to say that new licences will not be issued in any case. Wherever the Licensing Officer is kind, or where there is no opposition from the Europeans, new licences will no doubt continue to be issued. It only means that there can be no friendship and love where one side looks down upon the other. Hence our first aim should be to preserve our self-respect, and win regard as a brave people.

[From Gujarati]

Indian Opinion, 21-9-1907

[1] *Vide* "The Weenen Licensing Appeal", p. 237.

194. INDIAN PUBLIC LIBRARY

Mr. Shelat has resigned to take up an appointment elsewhere, after attending to the Library with great diligence, though for a brief period. His vacancy is filled by Mr. Tarmahomed Sumar, and Mr. Jusab Osman has agreed to help. We offer congratulations to both of them. It is very necessary that members of the community should come forward for public work in large numbers. It is a sign of weakness on our part to ask, whenever someone leaves, how his place can be filled. Anyone will find it difficult to fill the place of Mr. Diwan in so far as hard work and regularity are concerned. However, we are confident that Mr. Tarmahomed and Mr. Jusab Osman will with utmost diligence complete the task that they have undertaken.

A library is an indication of education. There is no need to prove that it confers many benefits. It is, therefore, the duty of every Indian to help maintain this library.

[From Gujarati]

Indian Opinion, 21-9-1907

195. HELP FROM INDIA

Cable from Hon'ble Prof. Gokhale

The following cable has been received by the British Indian Association, Johannesburg, from the Hon'ble Prof. Gokhale, and sent to us for publication:[1]

> Following struggle closely. Anxious interest. Deepest sympathy. Admiration. Trust securely Divine Will.

The Hon'ble Prof. Gokhale is known to every patriotic Indian. He is a member of the Central Indian Legislature. His cable ought to raise the spirit of every Indian to the highest degree of courage. That Prof. Gokhale has sent the cable means that the whole of India will now be aroused, and will run to our rescue.

Reply to Cable

A meeting of the British Indian Association was convened as soon as the cable was received. The meeting was attended by Messrs Essop Mia, Coovadia, Ahmed Moosaji, Fancy, Omarji Sale, Emam Abdool Cadir, Mahomed Adamji, Ali Omar, Ahmed Halim, Cassim

[1] *Vide* "Cable to G. K. Gokhale", p. 234.

Moosa, Alibhai Akuji, Shah, Moosaji Ahmed, Daud Ismail, Ahmed Ise, Ismail Suleman, Dahya Rama, Cama and Momniyat. It was resolved unanimously to send the following cable:[1]

[From Gujarati]

Indian Opinion, 21-9-1907

196. LAW ON THUMB-IMPRESSIONS

There is as great a difference between this and the Transvaal law as between a horse and an elephant.[2]

EDITOR,
Indian Opinion

[From Gujarati]

Indian Opinion, 21-9-1907

[1] Here follows in the original a translation of "Cable to G. K. Gokhale", *vide* p. 234.

[2] Gandhiji made this observation while reproducing the following from *Sanj Vartman*, a Gujarati daily evening newspaper of Bombay :

THUMB-IMPRESSIONS IN BOMBAY

The complaint which was made in the Readers' Views column of *The Bombay Gazette*, and which we reproduced in this paper, that a new law had come into force requiring thumb-impressions from all persons other than Europeans for the purposes of the Registration Department of the High Court, appears to have been unfounded. This is seen from the copy of the new law placed by the Government on the table in answer to a question in the Legislative Council by Mr. O. P. Dixit. Under that law, if any person wants to get a document of any kind registered in the Department, he will have to affix the impression of his right-hand thumb on that document, as also on the Government register recording thumb-impressions. The following rules have been framed in this connection :

(1) When the person registering a document is an educated man and is personally known to the Registrar, he will not be required to give his thumb-impression.

(2) No thumb-impression will be required also if the person registering a document is a European lady or gentleman or any other respectable person about whose identity there can be no doubt.

(3) Persons whose right-hand thumbs cannot be used for any reason will be required to give the impression of their left-hand thumb, or, if that is not possible, of any of the other fingers.

(4) The impression will be taken in the presence of the Registrar.

197. JOHANNESBURG LETTER

New Law

Krugersdorp and Zeerust did just what other places had done. I was about to say that they have displayed the same courage. If, however, we call the present boycott an act of courage, what word shall we use for the real boycott when the time for it comes? We all know that a man who does not receive the "stamp of slavery" in one place can get it in another. It is not likely that anyone will be enamoured of the black mark of shame. All are therefore able to sit back and watch what Johannesburg does. If a large number of people are waiting like this, the pot of our evil will certainly burst, and Indians will be crushed under it.[1] We should feel satisfied only when those who have kept their courage so far keep it till the end, regardless of what Johannesburg does. Hence, while Krugersdorp and Zeerust do deserve to be congratulated on their firmness, the time of real test for them and for all others is yet to come.

Which Places have not Been Visited?

The Office will be at Boksburg on the 17th, 18th, 19th and 20th, at Germiston on the 24th, 25th, 26th and 27th and at Benoni on the 17th, 18th, 19th and 20th. These places seem to have received the Government's special favour. For, the Indians at each of these places have been allowed four days to take out their documents of slavery. But the Indians there are firm and it appears that no one will go to take out the obnoxious title-deed [of slavery]. Meetings have already been held at Boksburg and Germiston and all are resisting the soiling of their hands. Hence the "officers' holiday" is unlikely to have a break yet.

Has Wind Changed?

Till now it was Mr. Chamney, Mr. James Cody, Mr. Richard Cody and Mr. Sweet who went about enjoying fresh air. Hereafter it will not be the same band. Bloemhof, Wolmeransstad, Lichtenburg, Piet Retief, Ermilo, Carolina and Bethal will not be visited by these gentlemen. For these places other officers have been appointed. At each of them, new officers will be present on the 17th, 18th and 19th. Mr. Hull is appointed for Bloemhof, Mr. Hog for Wolmeransstad, Mr. Juta for Lichtenburg, Mr. Levi for Piet Retief, Mr. Keyresville for Ermilo, Mr. John for Carolina and Mr. Bangley for Bethal. I do not

[1] The Gujarati idiom used here means: "Inevitable is the coming of nemesis when the evil accumulates beyond a limit."

want to guess why this change has been made. On the face of it, the reason appears to be that there are not many Indians at these places and that, these places being scattered wide apart from one another, the attack on Johannesburg cannot take place in October if the band mentioned above were moved from one place to the other.

Johannesburg in Tight Grip

The attack on Johannesburg will begin on October 1. A trio has been appointed here, the two Codys and Mr. Sweet. Hence the time is drawing near when the boasts which Johannesburg has always been making will be tested. At Pretoria, Mr. Gandhi had boasted that it would have been a good thing if the Office had first gone to Johannesburg.[1] Mr. Essop Mia and Mr. Coovadia also had spoken in the same strain. Moreover, Mr. Essop Mia had written a strong letter to Mr. Roos to say that the Association and particularly Johannesburg had nothing to do with the absurd draft prepared by Mr. Roos on behalf of the "leaders". Johannesburg is the headquarters of the Association. Indians there have spoken strongly against the law. It was there that the two meetings, the one at the Empire Theatre and the other at the Gaiety Theatre, took place.[2] In spite of all this, will Johannesburg yield? But there is time yet. They have got a whole month. At Pretoria, it was in the very last days that men soiled their hands. It is probable, therefore, that the first three weeks of October at Johannesburg will pass off well. But what if Johannesburg goes through the fourth week, too, without even one Indian so much as looking at the Permit Office? It is a little difficult to answer this question. But why should we count our chickens before they are hatched?[3] However, I can guess one thing, namely, that if Johannesburg can stage a complete boycott, the Government will be convinced that we are determined to fight to death. It should be fully realized that this struggle is intended to demonstrate that we mean what we say. Neither the Government nor anyone else is convinced that we have real courage to fight. And how can that conviction come so long as we have among us such men as Mr. Sheikh Mahomed Essak who keep on changing sides?[4]

"The Braves" of Pietersburg

Now that I have mentioned Mr. Sheikh Mahomed Essak, let me give the reader some other news I have received. At Pietersburg, four "brave" Indians have gone in for the title-deed of slavery.[5] I have also

[1] *Vide* "Speech at Pretoria", pp. 139-40.

[2] *Vide* Vol. VI, pp. 394-408.

[3] The Gujarati proverb literally says, "When the buffalo is still in the fields, how can there be any talk of striking a deal?"

[4] The Gujarati proverb speaks of men "who beat the drum on both sides".

[5] Here followed in the original four names.

been told that these four gentlemen had signed the application made from Pietersburg over the signatures of 86 Indians. So long as such things happen, how can any Indian be trusted by the Government? How can it be believed that what we say in our petitions is true? It is also said that some affidavits have been obtained from these gentlemen. There are all sorts of rumours in circulation. It is said that they have stated that they had not applied for the title-deed of slavery earlier, because Mr. Gandhi had prevented them from doing so. Others say that they had not applied for fear of being disgraced in the eyes of the community. If these things are true, those who have made the affidavits should ask themselves whether they do not feel that fear and shame now. All the same, there is nothing wrong in those who are timid going over to the opposite camp. This struggle is such that it will sift out the timid from the brave. Then we shall know the true nature of the disease we suffer from. The thermometer used so far did not reveal the correct degree of our fever. When the gaol thermometer is used, everyone's correct temperature will be known.

I am greatly pained to have to give all these names and make this comment. For, I share the shame of my brethren. I do suffer in reputation if my brethren commit a theft. It is for the faults of our own people that we have been suffering in the whole of South Africa. Because some Indians are dirty, all Indians are subjected to hardship. Because some are miserly, all come to be charged with the fault. Because some people entered illegally, the new law has been enacted and all have to suffer the consequences. The present is so serious an occasion that it will be a sin to conceal our faults. Our problems will be solved only when what is rotten within comes to the surface. We are like sweetened water being boiled into a syrup. In this process, the dirt within is bound to come out. If we cover up the dirt, our being boiled will have been in vain. I, therefore, beg to be excused by those whose names I am giving and who on that account may get angry with me. I must do my duty, all the same.

The four gentlemen of Pietersburg having, as it were, stormed a castle in taking out their title-deed of slavery, Mr. Cassim Hajee Tar of Mafeking thought that he was left behind. Accordingly, he too has melted. What then to talk of Lazarus (Tamil) and Joseph (Tamil) of Durban? These two Tamil gentlemen have also received the brand of registration.

Uneasiness at Permit Office

Since few Indians go to receive the stamp of slavery, the Permit Office is getting impatient. An Indian at Barberton held a permit wrongfully issued to him by a former officer. He was therefore arrested. He is now undergoing a gaol sentence of six months. Intent on not

leaving Barberton empty-handed, they have obtained an application from this prisoner. We may ask what purpose will be served by taking an application from such a person. Is it intended to issue registers by accepting the applications of those who hold no permits and have no right to live here? Or, as *The Friend* of Bloemfontein says, will the Government keep in the Transvaal Indians now in gaol and oust the rightful old residents? Let us see how the Transvaal Government takes away the rights of the lawful residents.

New Finger-print Regulation

In the current *Gazette*, a regulation has been published, empowering the authorities, at their option, to take a photograph, finger-prints, physical measurements, etc., of any person in gaol, provided that such person is not a detained witness or a civil debtor. The Regulation is in consequence of a suit that was heard in the local court. This does not particularly concern Indians. But it shows that such regulations can be applied to people guilty of criminal offences.

Can Women be Asked to Give Finger-prints?

Mr. Moosa Ebrahim Mansoor writes from Volksrust to say that the police demanded the permit from an Indian woman. She produced it. They then asked her to give the thumb-impression, which she did on the order of her master. One cannot understand how she produced the permit. The police had not the slightest authority to ask for the thumb-impression. It was decided in the Punia case[1] that even a permit was not necessary for women. I see no need to take any other step in the matter. But where such things happen, it is necessary to give a warning.

"How can We Put up with Losses?"

I have been asked how people can put up with losses likely to occur in the course of the struggle against the new law. In the first place, what one takes to be a loss is not a loss, but a gain. If we buy a carriage for a hundred rupees, we do not think it to be a loss of money, but take it as a proper return for our money. In just the same way, we have to buy our rights by forgoing our money. One who feels assured that the rights will certainly be won should not be afraid of forgoing the money. For he is sure of getting a return for it. It is true that some people may not feel certain in their minds that they will get the rights. Even such men will forgo the money now in the hope of getting the rights [later]. We always take such risks in business. Because we occasionally lose money in a speculative transaction, we do not close down our business. If we fight with this as our guiding

[1] *Vide* Vol. V, pp. 450-2 and Vol. VI, p. 119.

principle, we shall stop talking of losses. The important thing is that the struggle for our rights is a struggle for the community. But being narrow-minded, we do not realize that a gain to the community is a gain to us. If we consider this thing closely, we shall realize that Indians lost money at the time of the Jameson Raid[1] and the same thing happened during the War.[2] But we gave no thought to it because we were helpless. Shall we give up fighting for the good of the community, apprehensive that perhaps there may be some loss of money?

What Should be Done with Copies of This Journal after Reading Them?

I have been asked to answer this question also. My advice at any rate is that the *Opinion* is so important that everyone should maintain a file of its issues. But those who are not particular about maintaining a file or feel too lazy to do so should immediately after reading an issue post it to a friend in India. It is necessary to do this; for, it is the easiest and cheapest way to publicise in India the facts of our struggle here.

Contents of Affidavits

Affidavits are being obtained from those "brave" ones who now go to the Permit Office at Pretoria to "play on the piano" [i.e., to give finger-prints]. The substance of the affidavit has come to my hand. It includes the following words: "Owing to the attitude instigated by Mr. M. K. Gandhi and taken up by the Asiatics, I was afraid to present myself at the Permit Office in Pretoria during the month of July. I therefore request now that I may be registered." One cannot understand how any Indian could have the face to put his signature to a document of this kind. One cannot know even what the Permit Office gains thereby. Be that as it may, has the fear of the person concerned disappeared now? Mr. Gandhi's advice even today is the same, and he says it will remain the same till his death. The Indian community also stands unshaken in its resolve. But why argue with a person bent on taking out the title-deed of slavery?

Monster Petition

A copy of the monster petition[3] and a set of instructions are being sent herewith. The petition must be dispatched quite soon, so that the affidavits in question may lose all their force. Those who have not got copies of the petition for their signature should obtain them

[1] In December 1895; *vide* Vol. II, p. 378.
[2] The Boer War, 1899-1902; *vide* Vol. I, p. 374.
[3] *Vide* "Monster Petition", pp. 234-6.

from the Secretary. I may here mention an earlier instance that occurs to me. When the Franchise Bill was introduced in Natal in 1894, a petition signed by 10,000 Indians was sent to Lord Ripon,[1] and consequently the Bill was dropped. That is one thing to be remembered. Another thing is that leading men came forward to obtain the signatures, which were secured within 15 days. It was later found that signatures in duplicate were necessary. Accordingly, 30 volunteers worked for a whole night and prepared a copy. The Natal struggle was nothing compared to the present one. To obtain signatures on this petition, we certainly need the energetic support of leading men and, also, volunteers. I think it will be of advantage if copies of the petition with signatures reach here before the 30th. I earnestly hope that at least 10,000 Indians will sign the petition.

At the meeting of the Association convened to consider the Hon. Prof. Gokhale's cablegram, it was also resolved to send out to all towns the monster petition for signature. In addition to the Chairman, Mr. Coovadia, Mr. Cama, Mr. Fancy, Mr. Emam Abdool Cadir and Mr. Shah addressed the meeting.

LETTER FROM WELL-KNOWN ENGLISHWOMAN

There is a well-known lady[2] connected with the Ethical Society of England who writes as follows:

> I have just been reading *Indian Opinion* for July 27th and I can forbear no longer sending to you a few words to express sympathy with you, which I have felt over and over again when reading your paper—sympathy with the stress and strain of your struggle, sympathy with the holy nature of your cause, and, above all, sympathy with the spirit in which you are writing, speaking and acting all the time. I want to send you congratulations also in that you have been able to carry on the struggle so strenuously.

FORGOTTEN VOLUNTEER

Mr. Mohamed Ismail Kanmia writes that, though he had given his name to the Hamidia Society, it did not appear in the *Indian Opinion*. He feels sorry about it. It is for the Editor or the reporter to say how this name came to be omitted. When everyone is working under great stress, such an omission should be excused. However, Mr. Mahomed Ismail deserves praise for his vigilance. I hope others too will show similar zeal. Let all Indians remember that the worth of their enthusiasm will be tested when the time for action comes.

[From Gujarati]

Indian Opinion, 21-9-1907

[1] *Vide* Vol. I, pp. 116-28.

[2] Florence Winterbottom

198. LETTER TO PRIME MINISTER'S SECRETARY

JOHANNESBURG,
September 21, 1907

THE PRIVATE SECRETARY TO
THE RIGHT HON'BLE THE PRIME MINISTER
PRETORIA

SIR,

The Committee of my Association desires me to draw the Prime Minister's attention to the following report in the papers:

> He regretted that Asiatics were objecting to registration on such a flimsy excuse as that of the taking of finger impressions. It was enforced for white people, and he did not see that anyone suffered from the rule.

If the report referred to is correct, I venture to draw the Right Hon'ble gentleman's attention to the fact that finger impressions themselves have never been a primary cause of the opposition to the Registration Act. While they undoubtedly constitute a serious item among many others, my Association is free to admit that, by themselves, they would never justify the very great and intense irritation that the Act has caused. I take the liberty to quote from the grounds of objections framed:

1. It is manifestly in conflict with the past declarations of His Majesty's representatives;
2. it recognises no distinction between British and alien Asiatics;
3. it reduces British Indians to a status lower than that of the aboriginal races of South Africa and coloured people;
4. it renders the position of British Indians in the Transvaal much worse than under Law 3 of 1885, and therefore, than under the Boer regime;
5. it sets up a system of passes and espionage unknown in any other British territory;
6. it brands the communities to which it is applied as criminals or suspects;
7. the alleged influx of unauthorised British Indians is denied;
8. if such a denial is not accepted, a judicial, open, and British inquiry should be instituted before such drastic and uncalled-for legislation is enforced;
9. the measure is otherwise un-British, and unduly restricts the liberty of inoffensive British subjects, and constitutes a

compulsory invitation to British Indians in the Transvaal to leave the country.

Thus, it will be seen that, when the Law was first introduced last year, the main objections did not contain even so much as a reference to finger prints. The whole flavour about the Act is, in my humble opinion, that of criminality, and submission to it would make the lives of British Indians in the Transvaal intolerable.

I have the honour to be,
Sir,
Your obedient servant,
ESSOP ISMAIL MIA,
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

Indian Opinion, 28-9-1907

199. LETTER TO J. A. NESER

[JOHANNESBURG,
September 24, 1907]

[J. A. NESER, ESQ., M. L. A.
P. O. BOX 22
KLERKSDORP]

DEAR SIR,

You are reported to have made the following observations regarding the Asiatic Act:

> The Law, said Mr. Neser, regarding Asiatics was highly necessary. He could not understand the objections raised by the Indians with regard to the taking of fingerprints, in which there was nothing degrading whatever, and the only reason he could see was that the Indians were endeavouring to shield those of their fraternity who had come and were still coming into the Transvaal in an illegal way.

My Association regrets that you have not taken the trouble to understand the objections of the Indian community to the Asiatic Act. I beg to invite your attention to the letter addressed by my Association to General Botha,[1] and to add that, in the opinion of my Association, the Act not only wounds every manly sentiment but it insults the great religions of India.

My Association is surprised that you should consider it fit to charge the community represented by my Association with a desire to shield those who have entered the Colony illegally. I am sure you do not consider that British Indians are ready to sacrifice all that they hold

[1] *Vide* the preceding item.

dear for the sake of covering the guilty. Moreover, the fact that British Indians have accepted the principle of voluntary registration shows that it is not possible for the Indian community to screen offenders.

[*I have, etc.*,
ESSOP ISMAIL MIA,
CHAIRMAN,
BRITISH INDIAN ASSOCIATION]

Indian Opinion, 28-9-1907

200. *JOHANNESBURG LETTER*

[*September 25, 1907*]

"PLAGUE OFFICE" ON TOUR

The Permit Office—I forget, it should be "Plague Office"—went round Boksburg, but obtained no other prey than an Indian prisoner. The reporters of the *Leader* and the [*Rand*] *Daily Mail* state that the morale of the Indians there was very high. Their pickets were firm and appealed to every Indian who wished to go to the Permit Office. Some Indians had reached as far as the Office, but when they saw what was in store for them, they returned without surrendering their honour. By the time this letter appears in print, the Office will also have moved to Germiston. There is not the slightest probability of any Indian applying for a permit there.

HAMIDIA MEETING

As days pass, the time draws near for the "Plague" to visit Johannesburg. The Hamidia Islamic Society therefore held a large meeting on Sunday. The hall was packed to the full. Mr. Emam Abdool Cadir took the chair. Mr. Gandhi read out the cablegram[1] received from Babu Surendranath Banerjea[2] and explained the situation.[He said that] signatures on the monster petition should be obtained with the utmost speed. For this purpose, volunteers should be enlisted. The volunteers appointed to picket the Permit Office should do their work with great care and patience. It will not be proper for them to shout at anyone or handle anyone roughly. Then Mr. Essop Mia gave an account of the interview he had with Mr. Gibson, and said that they were not to depend at all on his advice or on that of other whites. In an impassioned speech, Moulvi Saheb Ahmed Mukhtiar quoted verses

[1] *Vide* p. 252 and "Cable to Surendranath Banerjea", p. 254.

[2] (1848-1925), orator and politician, President of the Indian National Congress, 1895 and 1902. *Vide* Vol. I, p. 378.

from the *Koran*, which said that the faithful should not put their trust in God's enemies or in their own. At the present time, the whites were playing the part of enemies and they should not be trusted when they advised them to get registered, etc. Further, he said that a person like the Prophet Moses along with his community of 1,00,000 men had to undergo hardships for 12 years. Only then did happiness come to him. Similarly, the Indian community would have happiness only after it passed through suffering. Moreover, the Prophet Moses led an attack on Pharaoh relying on God alone. Likewise, the Indian community was to stick to its pledge with faith in God. What if one had to lose all one's wealth for the sake of one's name, reputation and faith? Then the Chairman addressed the meeting and said that, just now as they were receiving encouraging cablegrams from such great men as Prof. Gokhale and Babu Surendranath Banerjea in India, so would they have to face the indignation of the whole of India if they threw up the game at the critical moment. It was also stated at the meeting that the Muslim subjects of Turkey in the Transvaal were thinking of sending a petition. Mr. Nawab Khan[1] spoke about volunteers. Mr. Patel from Klerksdorp, who was present, gave the assurance that signatures from his place would be obtained in time. Mr. Aswat pointed out that the month of Ramzan would coincide with the month for permits. It should not therefore be allowed to happen that Muslims observed the holy fast on the one hand and forsook their faith on the other by blackening their hands and faces.

Government's Keenness

The Government appears very keen on getting the Indian community to register itself. This is a matter of concern to us; at the same time, it should give us courage. We should be concerned because we are not to do what the Government is so keen that we should; it should give us courage because the Government's keenness also reveals its fear. However hard of heart it may be, it is improbable that it will deport all Indians or deprive them of their licences. Mr. Saleji sends a copy of the letter the Government has addressed to the magistrate at Belfast. It shows that the magistrates have been asked to inform every Indian that those who have not registered themselves so far can go to Johannesburg in October and take out their title-deed of slavery there. What can be more indicative of fear than this?

General Botha's Misunderstanding

General Botha says that the Indian community is not being reasonable in carrying on so much agitation against finger-prints.

[1] The original has "Nawabdakh".

This also shows that the Government itself does not know what it will do if the Indians remain firm. However, to remove the wrong impression, Mr. Essop Mia has addressed the following letter on behalf of the Association:[1]

Babu Surendranath's Cablegram

The following is the cablegram sent by Babu Surendranath Banerjea from Calcutta:

Bengal's warmest sympathy your trials, struggles. Wish success.

This cablegram has caused great joy. Babu Surendranath is adored by Bengali students. For the last 25 years, he has been fighting the battle of Indians. He was probably the first Indian to enter the I. C. S. He is the head of the Ripon College and proprietor of the famous journal, *Bengalee*. For many years, he has been the Secretary of the British Indian Association, Calcutta. He presided over the sessions of the Indian National Congress at Poona and Ahmedabad. There are very few orators of his ability in India. He has a voice so powerful that in an assembly of 10,000 men it can be heard even at the farthest end. He has played a big part in the *Swadeshi* movement. It can be taken as a very good omen that such cablegrams have started coming from India.

Flock of Black Sheep

The number of black sheep continues to increase slowly. Messrs...[2] have received the consecration. These men, I think, ought to dress themselves like women.

Stokeinstroom

Speaking at Heidelberg, Mr. Stokeinstroom said that no licences would be issued to Indians if they did not register themselves. The mask has now been torn off. At first they talked of gaol sentences. Gaol gave place to deportation. Now they are talking of licences. What will Mr. Botha do when the Indian community gives up the fear of losing their licences?

Neser

Mr. Neser spoke at Klerksdorp in the same strain as Mr. Stokeinstroom. Denouncing the fight against finger-prints, he said that the Indian community was fighting to shield men who had immigrated illegally. He added that, if the community went on fighting, the Government

[1] Here follows in the original a translation of "Letter to Prime Minister's Secretary", *vide* pp. 248-9.

[2] Here followed in the original five names.

would stop issuing trade licences. We are unconcerned at the threat. For, knowing that barking dogs seldom bite, the Indian community grows the more fearless the more it is threatened. But we should give some thought to the ignorance of men like Mr. Neser, for somehow the misunderstanding still persists that we have been fighting only against finger-prints. Mr. Essop Mia has therefore sent the following reply. After quoting Mr. Neser's speech, Mr. Essop Mia says:[1]

Willem Van Hulsteyn

In a speech, Sir Willem Van Hulsteyn had said that the Indians were fighting only against finger-prints. Drawing the attention of the gentleman to this, the Secretary of the British Indian Association has written to this effect:[2]

The Indian fight is against the whole of the law, and not merely against the finger-prints. Indians believe that acceptance of the law under compulsion will amount to slavery. They are, therefore, prepared to lose their all rather than have slavery; it is not merely a question of not giving finger-prints. We are quite aware of the penalties with which the Government has begun threatening us. It is still to be seen whether a rigorous enforcement of the law will redound to the credit of the Government, or the credit will be due to the Indians for undergoing unmerited suffering.

A Correction

With reference to my comment on the "brave ones" of Pietersburg, a prominent gentleman from the place says that the well-known Pietersburg application did not contain the signatures of the persons named by me. For they were out of station at the time. I am sorry for the mistake made by me. However, it is not possible to excuse the fault of the gentlemen who have blackened their hands. Only, the fault is not so big as it seemed. I may be permitted to infer from the said letter that those who have signed the application will never touch the title-deed of slavery.

Battle at Germiston

The Permit Office has encamped at Germiston. The Indians there have therefore become excited. Till today (Wednesday) they have stayed away from business and have started working as volunteers. Not one man from Germiston has applied. Even the hotel waiters

[1] Here follows in the original a translation of "Letter to J. A. Neser", *vide* pp. 249-50.

[2] For the original *vide* "Letter to W. V. Hulsteyn", pp. 233-4.

have refused to apply. Only one Madrasi from Pretoria, named Cassim, disregarded the advice of the pickets and registered himself. Five Memons went there, but allowed themselves to be dissuaded by the pickets and gave up the idea of playing on the piano [i. e., of registering themselves]. The enthusiasm of the volunteers at Germiston being excessive, it was necessary to restrain them. Now, only as many as are required there work there and, that too, with courtesy and patience.

[From Gujarati]

Indian Opinion, 28-9-1907

201. CABLE TO SURENDRANATH BANERJEA[1]

[JOHANNESBURG,
After *September 25, 1907*]

INDIANS TENDER THANKS. WILL DO DUTY.

[BIAS]

Indian Opinion, 28-9-1907

202. INDIA'S HELP

The Hon'ble Professor Gokhale has been quickly followed by the Hon'ble Surendranath Banerjea in sympathising with Indians in the Transvaal in their death struggle. It is no small thing to receive cables from these trusted representatives of the people of India. Both of them have dedicated their lives to the Indian cause, and both command unrivalled influence in India. It is, therefore, reasonable to suppose that the Indian question in the Transvaal will soon occupy a most prominent place in Indian politics. Lord Ampthill truly said the other day that nothing has wounded so deeply Indian sentiment as the grievances of British Indians in South Africa. We need the encouragement received from India. On this question, there are no parties in India, there is no division of opinion, all—Hindu, Mahomedan, Parsee and Christian—alike realise the very painful and humiliating position occupied by Indians in the Transvaal. Anglo-Indian opinion is just as solid as Indian opinion; no one has spoken so strongly against the treatment as *The Englishman* in Calcutta and *The Times of India* in Bombay. All, therefore, that is needed is to focus the energy of the

[1] This was in reply to Surendranath Banerjea's cable; *vide* p. 252.

different associations and organs of opinion in India, and to bring the weight of this solid influence to bear on Lord Minto; then the Indian question cannot but be solved in accordance with principles of justice and humanity.

Indian Opinion, 28-9-1907

203. PICKETS' DUTY

Johannesburg Indians will soon be put upon their mettle, and there can be little doubt that the ultimate course of action as to the Asiatic Act will be largely determined by the result of the attempt of the Registration Office to register Asiatics in Johannesburg. Johannesburg contains nearly one-half of the Asiatic population of the Transvaal—all the different Asiatic races, too, are largely represented on the Rand—and, if they remain firm in their opposition to the Asiatic Act, it must give the local Government some food for serious reflection. The building of a jail, no matter what threats may be held out, is not a joke in these times when the money-market is so tight. Deportation of thousands of inoffensive people is not a matter of practical politics, because it is likely to appal the conscience of even Generals Botha and Smuts. We have, therefore, arrived at threats as to the stopping of Asiatic licences, but, were such a thing possible, the Government will be stultifying themselves in that they will have left the largest number of Asiatics untouched. Whatever action, therefore, the Johannesburg Asiatics take will very largely decide the issue. The responsibility, therefore, on the shoulders of leading Indians and other leading Asiatics in Johannesburg is very grave and very great.

There is no denying the fact that, hitherto, the boycott of the Registration Office has been so successful, because of the work of the Indian pickets or missionaries. They have done their work calmly, deliberately and unobtrusively. There are many disturbing elements in Johannesburg. Those who have volunteered to do the missionary work are, some of them, fiery spirits. Indians in Johannesburg, too, are drawn from all classes. We, therefore, warn the Indian volunteers against any haste or any display of ill temper. Physical violence must be absolutely eschewed, and so must strong language. Those who are anxious to avoid the yoke of the Asiatic Act should be equally anxious not to put a more terrible yoke in the shape of ignorant brow-beating and intimidation. If Indians are satisfied that the Act imposes degradation on them and takes away their manliness, all that they need do is to place that view before those who do not know it. Once they have done so, their duty is finished, and they should leave it open to the

would-be applicant for registration to make his choice. It is his loss, not the community's, if he elects to accept the enslaving conditions of the Act.

Indian Opinion, 28-9-1907

204. GENERAL BOTHA AND THE ASIATIC ACT

It is disconcerting to find that the Premier of the Transvaal, who had no hesitation in speaking sweetly and softly to the deputation that waited on him at the Hotel Cecil during his memorable visit to London, does not know even up to now what the real struggle of the Asiatics hinges on. He thinks, and rightly so, that there can be no excuse for the tremendous agitation carried on by the Asiatics of the Transvaal, over the question of finger-prints merely, but the belief of General Botha that the agitation is based on the objection to finger-prints only shows how helplessly ignorant he is as to the Indian attitude. The British Indian Association has promptly forwarded to General Botha some of the objections[1] that were framed against the Act when it was first mooted in 1906. The gallant General has not even taken the trouble to ascertain whether it was at all possible for the British Indians of the Transvaal to engage world-wide sympathy, if their objections were confined to the giving of digit-impressions. It may be convenient for the statesmen of the Transvaal to disregard the very serious points raised by the Indian community as to their religious feelings, their status, and degrading class-legislation, but such habitual disregard can only end in more intense irritation and in stiffening the backs of the Asiatics. Theirs is now the courage of desperation. They have accustomed themselves to the idea of their all being taken away from them. It would, therefore, be wise and prudent if the Transvaal Government were, at least, to examine the Indian objections on their merits, and not shut their eyes against them.

Indian Opinion, 28-9-1907

[1] *Vide* "Letter to Prime Minister's Secretary", pp. 248-9.

205. THE BATTLE AGAINST INDIAN HAWKERS

The debate in the Legislative Assembly of Natal on the proposal to raise the licence fee payable by hawkers is very enlightening. No one minded the exorbitant increase in the fee payable by the Natal hawker, because hawking is largely in the hands of Asiatics, and because, as the Minister of Justice put it, "Hawking was not a fit pursuit for white men in this country." Quite on a par with this method of dealing with questions affecting non-whites is the proposal made by that arch anti-Asiatic, Mr. Haggar, that "it is in the public interest undesirable to employ Asiatics on the N.G.R.[1] in positions usually filled by white men". Strictly speaking, the great M.L.A. should have said "in the white interest", instead of "in the public interest". The motion, let it be said, was accepted by the Minister of Railways and Harbours and he said that, if he could not kick out "coolies", as he described Indian pointsmen, it was because he had a mandate about retrenchment from the members of the House. In both these cases, therefore, there was not even so much as an examination of the claims that Indian hawkers and Indian pointsmen might presumably have. The "British subjects" theory has evidently been played out so far as the Colonies are concerned—they will have all the advantages that their association with the ancient flag may secure to them, but they will have none of the inconveniences or the responsibilities that the bearers of the flag must necessarily carry with it.

Indian Opinion, 28-9-1907

206. OUR SUPPLEMENT

We are publishing along with this issue a photograph of the brave volunteers of Pretoria. Out of deference to the views of some gentlemen, we did not so far issue the supplement. But in doing so, we believe, we have been unjust to some extent to the pickets at Pretoria. We are definitely of opinion that had these volunteers not come forward and set an example of patience, gentleness and courage, the fight would not have progressed so far.

Now it is the turn of Johannesburg. We take it to be our duty to issue the supplement on this occasion. If Johannesburg follows the

[1] Natal Government Railway

example of these young men and deals with people with patience and humility, we shall believe that the end of our struggle is drawing near.

[From Gujarati]

Indian Opinion, 28-9-1907

207. DUTY OF VOLUNTEERS

We saw during the Transvaal struggle that excellent work was done by the "volunteers" or "pickets" or "missionaries" or "watchmen", or whatever other name is used for them. Without their help, nothing could have been achieved. The real credit for the struggle goes to the "pickets" in Pretoria. The example that they set by their patience, gentleness and courage is being followed everywhere else.

There is a problem only in Johannesburg. There are Indians of every sort living in this town. Among them there may even be some who have no sense of shame. It should not be surprising if such persons prepare themselves to apply for registration. Moreover, people from outside may also go there with the same disgraceful aim. How should "the pickets" manage all such persons? Ordinarily, we shall feel contempt for any Indian seeking to soil his hands. But it will be better to show pity rather than contempt.

A watchman's duty is to watch, not to assault. We have not the slightest hesitation in saying that if anyone in Johannesburg seeking registration is assaulted, our success will turn into failure just at the last moment, like a ship sinking when about to reach the harbour. Our whole struggle is based on our submitting ourselves to hardships, not inflicting them on anyone else, be he an Indian or European. This point must be borne in mind very carefully by every "watchman". Our duty is to reason with those who are doing wrong, to entreat them, to beg of them. If in spite of this they wish to court slavery, they ought to have the freedom to do so. For, we do not see any gain in saving them from the yoke of the law in order to subject them to our own yoke. It is our duty to extend to others the same freedom that we want for ourselves.

[From Gujarati]

Indian Opinion, 28-9-1907

208. *IS INDIA AROUSED?*[1]

The cables from the Hon'ble Prof. Gokhale and the Hon'ble Babu Surendranath Banerjea have proved very inspiring to us. These gentlemen are not likely to remain content with merely sending messages of sympathy. Their cables indicate that we shall get full support from India. This can have a very important meaning. The Transvaal question will not be treated as a small matter. It will receive worldwide publicity. We have now reason to believe that urgent representations will be made from India and meetings will be held there. In that case, the Imperial Government can no longer remain indifferent. Lord Ampthill has already said that no other question has hurt the feelings of Indians as much as the Transvaal question has. Trouble is brewing everywhere. At such a time, how can the [Imperial] Government permit such a potent cause for discontent in India?

There is only one reason why we have won such support, and that is our courage. The strength that we have displayed so far by our unity has had a powerful effect. We have won great honour. It is in the hands of the Transvaal Indians to preserve it. And the eyes of the Transvaal Indians are on Johannesburg.

[From Gujarati]

Indian Opinion, 28-9-1907

209. *"THE CRUSHING OF TREES"*

We have a proverb in Gujarati that, when mighty bulls fight, trees get uprooted. Two parties of whites in Natal have been wrangling, and the poor Indian labourers bear the consequences. Mr. Haggar and his friends say that, in place of the Indian watchmen at railway crossings, whites should be appointed, and the former discharged. There is no reason to believe that in making such a move Mr. Haggar is actuated by a particularly benevolent motive. His intention is only somehow to attract public notice. The Natal Government is aware that it will be improper to engage highly-paid whites and kick Indians out of their jobs. But the Government is shy of showing such honesty publicly. Hence it says that Indian workers will be relieved wherever possible. Neither party cares for the consequences of carrying out this intention. They call this "civilization".

[1] *Vide* "India's Help", pp. 254-5.

If this is what education and culture mean, we wish Indians will save themselves from this spectre.

[From Gujarati]

Indian Opinion, 28-9-1907

210. MOVEMENT FOR SELF-GOVERNMENT IN EGYPT

A letter in the *Rand Daily Mail* shows that the movement for self-government in Egypt has suddenly assumed importance. It is said to be the effect of Mustafa Kemal Pasha's[1] activities. There are members of the aristocracy on the Egyptian Council, of whom about 116 are reported to have resolved to demand self-government. They say that they do not reject British help. But they wish to take the reins of Government into their own hands. They desire that the Department of Public Education should be entirely in the people's charge. Mustafa Kemal Pasha asserts that, if the British Government does not grant this peacefully and in a friendly manner, the people of Egypt will rather get it by fighting than let Egypt remain a dependent State.

[From Gujarati]

Indian Opinion, 28-9-1907

211. LETTER TO J. A NESER

[JOHANNESBURG,]
September 28, 1907

J. A. NESER, ESQ., M.L.A.
P. O. Box 22
KLERKSDORP

SIR,

I have the honour to acknowledge the receipt of your letter of the 27th instant, and to tender to you the thanks of my Association for your very courteous, frank and full letter. The greatest stumbling-block in the way of a proper solution of the Indian question has been, undoubtedly, a great deal of apathy on the part of public men and consequent want of knowledge about the question.

I am deeply thankful for the sympathy you express for my countrymen who have vested interests in this Colony, and it is because the fight is entirely for the protection of such interests that I see in your attitude a common meeting-ground.

[1] (1874-1908), who, in December 1907, founded the Nationalist Party in Egypt

Not only does my Association sympathise with the objection to wholesale immigration from India, but it has recognised its validity, in view of the very general prejudice against such immigration, and has always offered to co-operate with the Government in attaining the object.

The ground is now clear for an examination of the Asiatic Act on its merits. I venture to draw your attention to the fact that, when, in the September of 1906, objections against the draft Ordinance, as the Act then was, were framed, finger-prints were not even so much as mentioned, although it was understood that the Government intended to insist on finger-prints. The attitude of my Association would not, therefore, have been in any way altered, had signatures been substituted for finger-prints. It is the sting of compulsion running throughout the Act that offends and bears so heavily on the community. The finger-prints do not offend any religious susceptibility, but the exception made in the Act in favour of Turkish Christians and Turkish Jews does most emphatically wound religious feelings.

The Act bristles with severe penalties for breaches of the varied requirements thereof, but it is not the fact of the penalty or the severity of it that is resented, but the underlying assumption that Indians, as a class, are capable of impersonation, fraudulent transfers of permits, and fraudulently bringing unauthorised immigrants into the country that is most strongly and, I think, rightly objected to. Whenever in a country exceptional penalties are provided for a particular offence, the general existence of such an offence in that country is, as you are aware, presumed. Knowing well that British Indians, as a class, have not been guilty of the practices above described, they manfully struggle to avoid the presumption which the Act has made tacitly and which the framers of the Law publicly declare as their conviction. It should, moreover, be borne in mind that this Law is a class measure of an obnoxious type, and is calculated to degrade British Indians in the estimation of Malays, with whom many of them are nearly related, Cape Coloured men, with whom they come in close contact, and the Kaffir races, who are largely employed by them as their servants. While all these three are, in common with the other inhabitants of the Colony, exempt from any such restrictions on their personal liberty, Asiatics have been especially singled out.

The obvious answer to the last objection is, naturally, that it is the competition of the Asiatics that is feared and not that of the Coloured races, and it is because my Association recognises this that voluntary identification or registration has been suggested in place of the compulsory measure. Such voluntary registration will not insult Indians by separating them from the rest of the community, will satisfy the European objection wholly, and will protect vested rights.

You seem to think that voluntary registration will leave untouched dishonest Indians, whose existence I do not deny, but that is, I beg to state, a mistake. Under the voluntary offer, it has been submitted to the Government that by a short Bill, passed by consent, the Act can be made applicable to those who do not comply with the offer. Indeed, at a stated period, all Indians or Asiatics may be examined simultaneously, and those who are found to be without the new identification certificates may be bundled out of the Colony under the Peace Preservation Ordinance or under a General Immigration Law that may be passed, in the place of the Peace Preservation Ordinance.

I will not trespass further upon your time, but will conclude by saying that, while my countrymen have honestly endeavoured to examine and meet reasonable objections raised by Europeans, the latter have, as a body, entirely failed to reciprocate, but have simply persevered in their policy of prejudiced opposition without caring to examine the Indian position. As you have been, in your professional capacity, very largely connected with British Indians, I may not be wrong in asking you to step into our shoes and look at the whole position from our standpoint, and see whether a reasonable compromise is not possible by the exercise of a little patience and some cooperation.

I have the honour to be,
Sir,
Your obedient servant,
ESSOP ISMAIL MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

Indian Opinion, 5-10-1907

212. LETTER TO "RAND DAILY MAIL"[1]

[GERMISTON,]
September 28, [*1907*]

TO
THE EDITOR
[*RAND DAILY MAIL*
JOHANNESBURG]
SIR,

Your reporter has informed the public that in Germiston it was through the intimidation of British Indian pickets that many Indians of Germiston refrained from registering themselves. I, as chief

[1] This was presumably drafted by Gandhiji.

picket, beg to state that the information given to you is absolutely incorrect. I may inform you that, as a matter of fact, for two days the whole Indian population of Germiston was picketing because they all stopped work. Such was their enthusiasm and opposition to the law. It was only after the appointed pickets persuaded the other Indians that they recommenced their work.

But it is quite true that some of the Indians from different other places came to Germiston to get registered, and they listened to the expostulations and arguments advanced by the Germiston pickets and returned without compromising themselves or their community. But, where such reasonable argument failed, strict instructions were given that those who wished to accept the slavery imposed by the law should be personally escorted, and this was done in the instance of an Indian named Joseph Bahadur who came from Boksburg.

In our fight we do not need intimidation. Those who understand the Act and all the consequences of it refrain, except when they are blinded to a sense of their own dignity by their selfishness, of their own accord from accepting the yoke. I may state for the information of your numerous readers that even hospital attendants and labourers refused to register themselves under threat of being dismissed from their employment, and their dignified refusal had such marked effect on their employers that the threats were withdrawn.

I am, etc.,
RAM SUNDAR PUNDIT
CHIEF OF THE GERMISTON PICKETS

Rand Daily Mail, 3-10-1907

213. SPEECH AT HAMIDIA ISLAMIC SOCIETY

JOHANNESBURG,
[*September 29, 1907*]

I am attending the Society's meeting today, but I have nothing special to say. A letter has been received from Mr. Beg. He has offered help as a picket, if necessary. Indians of Johannesburg must take a lesson from the courage shown by their brethren in Germiston. Mr. Ram Sundar Pundit will tell you about it. The pickets here have to perform their duty carefully. We must reason with the people to the best of our ability. No force should be used against anyone. If any persons come from outside, we should be patient in dealing with them.

About the application submitted from Pretoria, I have so far learnt that the Government will appoint inspectors to examine the permits. Mr. Cody has held out a threat that the people will have to

leave the Transvaal, but Mr. Pundit is very firm. It would be good if they arrested Mr. Pundit himself. It is necessary to expedite the taking of signatures in Johannesburg.

[From Gujarati]

Indian Opinion, 5-10-1907

214. REPRESENTATION TO TURKISH CONSUL-GENERAL[1]

[JOHANNESBURG,
Before *October 5, 1907*]

SIR,

We, the undersigned, residents of Johannesburg and faithful Mahomedan subjects of His Imperial Majesty the Sultan of Turkey, hereby beg to draw your attention to the Asiatic Registration Act, which requires Mahomedan subjects of the Turkish Empire to be registered under it. In our humble opinion, the Act is humiliating, and it specially insults Mahomedans coming from Turkey, in that it distinguishes between Mahomedan and non-Mahomedan subjects of the Turkish Empire to the detriment of the former. We, therefore, trust that you will be pleased to make the necessary representations to the local Government and forward copy of this representation to be laid before His Imperial Majesty.

We have the honour to be,
Sir,
Your obedient servants,
SYED MUSTAFA AHMED JELL
[AND 19 OTHER TURKISH MAHOMEDANS]

Indian Opinion, 5-10-1907

215. MR. GEORGE GODFREY

Mr. Subhan Godfrey and Mrs. Godfrey have further reason for congratulation in the return of their third son from England after having received a liberal education. Any parents would be proud to have two barristers and one doctor as their sons, not to mention others still undergoing school education. Mr. George Godfrey[2], too, may well congratulate himself upon his safe return after completing his studies without a break and his reception by his friends and fellow-countrymen,

[1] This was presumably drafted by Gandhiji; *vide* "Johannesburg Letter", p. 269.
[2] *Vide* Vol. III, p. 6.

but we are not in the mood to exaggerate the possession of educational qualifications. For the public, it is much more to the point to know whether such a splendid asset is to be used for self-glorification and enriching oneself or whether it is to be devoted to national uses. We shall [a]wait an answer to this pertinent query not in Mr. Godfrey's promises but in his career.

Indian Opinion, 5-10-1907

216. POOR BUT BRAVE INDIANS

There are some poor Indians who were prepared to give up their jobs and become beggars rather than submit to the obnoxious law. We have mentioned this fact in our Germiston report. Just because these men who defied the law are poor, people do not run to embrace them. But we call these poor men heroes among men. For, if we succeed on the question of this law, much of the credit will go to such poor people. We ask those among the merchants who are getting nervous to remember that it is because of trade jealousy that the whole Indian community has to suffer. It is they especially who ought to feel humiliated by the law. It, therefore, behoves them to keep their pledge for the sake of the country, if not for their own prestige.

The question is being repeatedly asked as to what the merchants are to do without licences. But what will happen to Indians who lose their jobs is a more dreadful thing to contemplate. It is important, in our view, that they should be saved. However, we must say that it is far better for people in service to lose their jobs and starve than to submit to the law.

[From Gujarati]

Indian Opinion, 5-10-1907

217. INDIAN VOTERS

We give in this issue a letter from an Indian contributor who signs himself "Voter". The question raised by "Voter" appears reasonable on a superficial view. The argument that the members of the municipality would not have deprived Indians of their licences if Indians had a vote in Ladysmith or Durban is valid only under one condition. That is that, in using their franchise, Indians should prove themselves the equal of whites. We must say that the Indians are unable to do so, because they lack the urge for freedom. There are many Indian voters in the Cape, but they have not used their power

properly. Our readers will remember that even in a city like Bombay there was the farce of a caucus. What, then, can we expect in Natal? We are convinced that as long as Indians have not imbibed true western education, they will not have any such spirit and that the franchise will not be a useful weapon to them till then. This is not to say that we should allow ourselves to be deprived of the right to vote. We have put up a strong fight against the move to deprive us of the franchise, and will continue to do so in future. But we also know that the use of the franchise carries with it some risk. However, if it is preserved, we may be able to use it when occasion requires. The weapon had better remain sheathed for the present. But the easiest and best step against the licence trouble in Ladysmith is to carry on trade without a licence. Till the people get that much spirit, we think it is pointless to talk of voting rights.

[From Gujarati]

Indian Opinion, 5-10-1907

218. ASSOCIATION IN CAPE

The Association in the Cape under Mr. Nuruddin's presidentship appears to be growing stronger. An account[1] of its meeting published elsewhere is worth reading. If public work were to be done with the same spirit with which this Association is run, it would work wonders. This is the time not to enjoy authority but to render public service. The leaders must never lose sight of this. Then only will the fire raging round us be extinguished.

In the Cape there are two organizations in the same place—the League and the Association. We observe that there is some unhealthy rivalry between the two. It is our advice to both that they ought to work together.

We remind the Association that it has still not done its duty by the Committee in London. The Cape was expected to contribute £50, but the sum has not yet been received. The Committee has been doing excellent work. But, then, work of any kind is bound to involve proportionate expenditure. It is the duty of all Indians in South Africa to help meet that expenditure. We hope the Association will take up this work.

[From Gujarati]

Indian Opinion, 5-10-1907

[1] Not reproduced here

219. JOHANNESBURG LETTER

General Botha's Birthday

On the occasion of General Botha's birthday on Friday last, the Association and the Hamidia Islamic Society sent him greetings by telegram. The whites gave him rich presents. It was a sign of courtesy on the part of the Indian community to have sent the telegrams. They prove that, irrespective of whether General Botha does or does not attend to our representations, we do not forget our good manners.

Hamidia Society's Meeting

As usual, a meeting of this Society took place on Sunday last. The hall was fully packed. If our struggle against the law comes off successfully, the credit for that will go largely to the Society. No one should be alarmed because I use the word "if". I use it because, generally, doubts are felt whether in this big fight the Indian community will remain united to the end and disobey the law. For, this is a new kind of step for us in the present age. There is a deep-rooted superstition that a law cannot be disobeyed. It would be no small step forward for the community if this superstition were rooted out. When we shall have resisted the law to the last, we shall be regarded as so many Thoreaus in miniature. By this time the readers of the *Opinion* must be aware of who Thoreau was.

Let us return to the meeting. Mr. Emam Abdool Cadir took the chair. Moulvi Saheb Ahmed Mukhtiar made a powerful speech, reciting forceful verses applicable to all Indians. Then Mr. Ram Sundar Pundit spoke, giving an account of the struggle in Germiston. He said that his permit was expiring on the 30th, but he had, as desired by the people, agreed to stay on. Even if the Government did not extend his permit, he would stay on and go to gaol. He would not swerve from his duty. He also added that the Germiston pickets were prepared to help at Johannesburg. Mr. Gandhi stated that there was a letter from Mr. Beg of Pretoria, offering assistance of pickets. Mr. Omarji Sale vehemently asserted that there should be no yielding to the new law, no matter what the cost. Mr. Ebrahim Coovadia read out from the *Gujarati*[1] an article on the subject of the new law. Mr. Vallabhbhai said that from among the Kanabis[2] no Hindu would turn back, and that most of the Hindus had put their signatures to the petition. Mr. Nawab Khan also spoke. The Chairman expressed thanks for the offers made by

[1] A weekly published in Bombay

[2] A caste in Gujarat, consisting mostly of farmers

Messrs Beg and Ram Sundar Pundit, and also for the enthusiasm shown by the latter. An appeal was made to the leaders to complete the work of obtaining signatures on the [monster] petition; the meeting then terminated.

Chinese Meeting

A meeting of the Chinese Association also took place the same Sunday. There, too, the hall was fully packed. Mr. Quinn took the chair. Mr. Gandhi explained the position to date in regard to the law, and the Chinese expressed firm resolve not to submit to the law.

Case under New Law

A Madrasi named Illumuthu had applied for the title-deed of slavery under the new law. As his application was not in order, the Registrar, as required by the law, has exhibited a notice at the Magistrate's Court in Pretoria to the effect that the new register would not be issued to the applicant and that he should appear before the Magistrate to submit his statement. The timid among us should note to what plight applicants for new registers might be reduced.

"Boycott Indians"

The Women's Association at Pretoria is raising such a cry. These women have passed a resolution to the effect "that the delegates would once more ask the members of the Branch to support white traders as against Indians". It is such movements that we should really fear rather than the new law. If the whites discontinue dealings with Indians, the latter will have to quit even without a law. There is only one way of preventing this from happening, and that is for the Indians to be industrious and to maintain perfect honesty. I even go so far as to say that women who have been pleased with the courage we are now showing will continue to buy [from us]. If we prove cowards, however, even they will look down on us and drive us out. This will be confirmed by those hawkers who might have had experience of this.

Indians Who have Returned from Komatipoort

Mr. Chamney has sent the following reply to the letter[1] addressed to him in regard to these four Indians:

> The four Indians in question, Mahomed Ebrahim, Moosa Kara, Kara Vally and Issa Asmail, were stopped because they had entered [the Transvaal] from Portuguese territory. They were not allowed to proceed to Delagoa Bay because they were not in possession of steamer tickets. Since they knew of no place where they could reside while their case was being investigated, they were

[1] *Vide* "Letter to Registrar of Asiatics", pp. 224-5.

permitted to make use of one of the police cells. The action was taken solely in their interests. These men had no right to enter the Transvaal. They must leave, therefore, otherwise they will be prosecuted.

The four "heroes" have bought tickets for Durban and are not likely to trouble Mr. Chamney. It is needless to offer further comment.

TURKISH SUBJECTS

Some Muslims of Turkey, living in Johannesburg, have sent a petition to the Turkish consul with the help of Moulvi Saheb Ahmed Mukhtiar. It is signed by 20 persons. The following is a translation:[1]

Twenty Turkish Muslims have appended their signatures to this petition.

NESER'S LETTER

Below is Mr. Neser's reply to Mr. Essop Mia's letter to him:

> The report of my speech referred to by you is [substantially][2] correct and I adhere to every word I said on the subject. I feel considerable sympathy with Asiatic people who have legitimately obtained vested interests in this country. I have fought their cause before in the Courts here and I am prepared to continue fighting it in future on every possible occasion, but I am not prepared to allow further Asiatic immigration [into the Transvaal if I can prevent it] and I am quite determined to assist in every possible way to obstruct and render such immigration impossible. It is only a matter of self-preservation and nothing else. [For the life of me] I cannot understand what objection any man can have to finger-prints. [It is certainly the safest way of identifying anybody and] I, personally, would have no objection to be so identified. In what respect finger-prints could wound the religious susceptibilities of any person I fail to understand. You make a good deal of voluntary registration. Now what is the difference between voluntary and compulsory registration? Will you be good enough to tell me? In my opinion voluntary registration would be a mere waste of time. Honest people would comply with it [or perhaps suffer under such a system] whereas the dishonest man would score every time and I do not think that you can claim absolute honesty for every one of your co-religionists any more than I pretend to do so for Europeans or people of European descent.

ESSOP MIA'S REPLY

Mr. Essop Mia has thereupon sent the following reply:[3]

> I have the honour to tender to you the thanks of my Association for your very courteous, frank, and full letter. The greatest stumbling-block in the way

[1] For the text, *vide* "Representation to Turkish Consul-General", p. 264.

[2] The matter in square brackets has been supplied from the original in English which appeared in *Indian Opinion*, 5-10-1907.

[3] The translation given here has been collated with the original in English; *vide* "Letter to J. A. Neser", pp. 260-2.

of a proper solution of the Indian question has been, undoubtedly, the fact that public men among the whites are not well-informed about the question.

I am deeply thankful for the sympathy you express for my countrymen who have vested interests in this Colony, and it is because the fight is entirely for the protection of such interests that I see in your attitude a common meeting-ground.

Not only does my Association sympathise with the objection to wholesale immigration from India, but it has recognised its validity, in view of the very general prejudice against such immigration, and has always offered to co-operate with the Government in attaining the object.

The ground is now clear for an examination of the Asiatic Act on its merits. When, in the September of 1906, the Asiatic Act was drafted, finger-prints were not even so much as mentioned. The attitude of my Association would not, therefore, have been in any way altered, had signatures been substituted for finger-prints. It is the sting of compulsion running throughout the Act that offends and bears so heavily on the community. The finger-prints do not offend any religious susceptibility, but the exception made in the Act in favour of Turkish Christians and Turkish Jews does most emphatically wound religious feelings.

The Act bristles with severe penalties for breaches of the varied requirements thereof, but it is the underlying assumption that Indians, as a class, are capable of impersonation, fraudulent transfers of permits, and fraudulently bringing unauthorised immigrants into the country that is most strongly and, I think, rightly objected to. Whenever in a country exceptional penalties are provided for a particular offence, the general existence of such an offence in that country is, as you are aware, presumed. Knowing well that British Indians, as a class, have not been guilty of the practices above described, they manfully struggle to avoid the presumption which the Act has made tacitly. It should, moreover, be borne in mind that this Law is a class measure of an obnoxious type, and is calculated to degrade British Indians in the estimation of Malays, with whom many of them are nearly related, Cape Coloured men, with whom they come in close contact, and the Kaffir races, who are largely employed by them as their servants. While all these are, in common with the other inhabitants of the Colony, exempt from any such restrictions on their personal liberty, Asiatics have been especially singled out.

The obvious answer to the last objection is, naturally, that it is the competition of the Asiatics that is feared, and it is because my Association recognizes this that voluntary identification or registration has been suggested. Such voluntary registration will not insult Indians, will satisfy the European objection wholly, and will protect vested rights. You seem to think that voluntary registration will leave untouched dishonest Indians, whose existence I do not deny, but that is, I beg to state, a mistake. Under the voluntary offer, it has been submitted to the Government that by a short Bill, passed by consent, the Act can be made applicable to those who do not comply with the offer. Indeed, at a stated period, all Indians or Asiatics may be examined simultaneously, and those who are found to be without the new identification certificates may be bundled out of the Colony under a General Immigration Law.

I will conclude by saying that, while my countrymen have honestly endeavoured to examine and meet reasonable objections raised by Europeans, the latter have, as a body, entirely failed to reciprocate, but have simply persevered

in their policy of prejudiced opposition without caring to examine the Indian position. As you have been, in your professional capacity, very largely connected with British Indians, I may not be wrong in asking you to step into our shoes and look at the whole position from our standpoint, and see whether a reasonable compromise is not possible by the exercise of a little patience and some co-operation.

Warning to Witnesses Giving False Evidence

Five Indians were being tried for robbery before Mr. Wenderburg at Johannesburg. The magistrate thought that the evidence given by the complainant and some other Indians was false. He rebuked the witnesses. Finding the evidence weak, he discharged the accused without examining them. In the crowded court, he told the many Indians who were present that these days there were many faked cases among them, and that, if such cases occurred in future, the witnesses would be prosecuted for giving false evidence. I feel sorry to give publicity to this fact. But I think it necessary to bring it to the notice of all. The Indian community loses its good name on account of such cases, and we suffer humiliation. I understand that the witnesses were merely pawns in the hands of some schemers, and it was these schemers who were the real culprits. I must tell them that it is not proper for them to ruin poor people for a little gain to themselves, and to bring the community as well as themselves into contempt. There are many ways of earning money other than getting up false cases.

What to Do if Permit is Lost?

A correspondent asks this question. The remedy is simple: go about without a permit. Since the fear of gaol has disappeared, one should boldly appear before a magistrate, if required. When the case is investigated, such a man will be released. When the final notice is published, even permits held will be as good as lost. For no one will be released on production of the old permit. Therefore, those who wish to defy the new law have no reason to be afraid of the loss of permits.

New Spectre

There is a case at present which may mean that trade licences will not be issued under the "Gold Law". I believe the Government is wrong in having brought up this case. The matter is likely to go up to the Supreme Court, and so, further comment is not necessary. The Government's intention to apply the "Gold Law" shows that there is going to be no peace or rest for those submitting to the new law. If, however, the obnoxious law is repealed, the "Gold Law", in my opinion, will crumble to the ground as a matter of course.

SMUTS' REPLY

To the petition for slavery sent by some gentlemen of Pretoria Mr. Smuts has sent a reply[1] such as will be deserved by slaves. He says that if people comply with the provisions of the Asiatic Act, their chains will be inspected by the whites, and not by the Kaffirs. The other demands will not be granted. If possible, I shall give next week a full translation of this reply. It is worth reading. Along with it, I also hope to give some important news relating to the struggle at Johannseburg.

[From Gujarati]

Indian Opinion, 5-10-1907

220. LETTER TO MAGANLAL GANDHI

[JOHANNESBURG,]
October 6, 1907

MY DEAR MAGANLAL,

I have not traced Mr. Budrea's[2] papers. The property bought by him from Mr. Logan is already registered and I have the deed of transfer. Is that what he means? Please ascertain and let me know.

Yours sincerely,

From the typewritten office copy: S.N. 4767

221. LETTER TO COLONIAL SECRETARY

JOHANNESBURG,
October 7, 1907

THE HON'BLE THE COLONIAL SECRETARY
PRETORIA

SIR,

I have been directed by the Committee of my Association humbly to address a few remarks on your speech delivered to your constituents and containing reference to the Asiatic Law Amendment Act. If the report published in the papers be correct, it contains, in my humble opinion, many misstatements of facts.

My Association feels deeply grieved that from your responsible position you should give currency to the popular inaccuracy as to the cause of the depression. Those who are engaged in business have

[1] *Vide* "Johannesburg Letter", p. 283.
[2] A client of Gandhiji; *vide* Vol. VI, p. 436.

stated emphatically that the cause of the terrible depression is to be sought elsewhere. In any case, it has affected Indians just as much as Europeans.

My Association totally denies the statement that there are 15,000 Indians at present in the Colony. An analysis of the figures which have been received by my Association will shortly be submitted to you which go[es] to show that there are at present not more than 7,000 Indians in the Transvaal.

You have been pleased to state that certificates issued under the old Law have been fraudulently duplicated and sold, and that, in Bombay, Johannesburg and Durban, there are known to be places where these manufactured certificates could be bought by Indians for so much cash. My Association repudiates the statement entirely and respectfully invites a public inquiry into the matter, but my Association is aware that there was in the Registration Office a clerk who carried on a traffic in forged permits and undoubtedly used as his tools some Indians who had no notion either of their nationality or their honour. That, however, is totally different from what you have been pleased to place before the public.

You have, again, been pleased to state that the Indians have objected to this Act because of the fingerprints. My Association has very often submitted to the Government that the fingerprints are not a primary cause of the Indian opposition, but the principle of compulsion and the whole object of the legislation which stamps British Indians as criminals. When the objections against the measure were first framed, fingerprints were not even so much as mentioned. At the same time, I take the liberty of pointing out that the Indians who have come to the Transvaal have never been called upon to give either their finger-impressions or even their thumb-impressions in India. While thumb-prints are undoubtedly taken in India, in some cases not connected with criminality, the digit-impressions are taken only from criminals or those who are in any way connected with crimes, and, even where thumb-impressions are taken, the rule applies in cases of illiterates only.

My Association has always been aware of the intention of the Government to enforce the Act strictly and rigorously, but I may be permitted to mention once more that the most rigorous enforcement of the Law would be as nothing compared to the degradation involved in submission to it and violation of the community's solemn and deliberate undertaking not to accept the Law. My Association feels that, although you have declared that you have especially studied the Indian point of view of the question, the whole spirit of the opposition as also the most important points raised by my Association have been entirely missed by you.

In conclusion, I beg to repeat that my Association has always appreciated the objection against a wholesale influx of British Indians and against unrestricted competition in trade, and, with a view of showing the *bona fides* of the community, has come forward with humble suggestions which would completely meet the two objections, but it is impossible for British Indians to surrender what little self-respect may be left to them by accepting a measure which was conceived in ignorance of the true state of things, which is oppressive to a degree in its incidents, and which hurts the religious susceptibilities of the community represented by my Association.

I have the honour to be,
Sir,
Your obedient servant,
ESSOP ISMAIL MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

Indian Opinion, 12-10-1907

222. *LETTER TO "RAND DAILY MAIL"*

JOHANNESBURG,
October 9, [*1907*]

TO
THE EDITOR
[*RAND DAILY MAIL*
JOHANNESBURG]
SIR,

As you were good enough to warmly take up the case of Mr. Suliman Manga[1] and an Indian woman named Punia[2], who were both grossly ill-treated, I take the liberty of inviting your attention to a third case that has come under my observation, which equals, if it does not surpass, the other two in wanton insult.

Mr. Anthony Peters, a born Indian Christian, and an old civil servant of Natal, at present Interpreter at the Chief Magistrate's Court, Pietermaritzburg, was on his way to Johannesburg on Sunday and was a passenger by the Johannesburg Mail which left Pietermaritzburg on Saturday. He held a concession ticket and a certificate from the Railways in which his official position was described. At Volksrust, the Examining Constable put him through a searching cross-examination.

[1] *Vide* Vol. V, pp. 278-9 and 284.
[2] *Ibid.*, pp. 450-2

Mr. Peters produced his permit, which was issued to him at a time when the Indian community had not voluntarily given thumb impressions. This did not satisfy the Constable. Mr. Peters, therefore, produced the concession ticket referred to by me and offered to give his signature, but all to no avail, the Constable insulting him by saying that he might have got somebody else's concession ticket. Mr. Peters, therefore, went so far as to produce his walking-stick, which bore his initials, and his shirt, which bore his full name. Even this was not satisfactory. He then offered to deposit money to ensure his return after three days, but the Constable ordered a Kaffir policeman to literally drag Mr. Peters out of the compartment. Sergeant Mansfield, before whom Mr. Peters was taken, realised the terrible mistake, apologised to Mr. Peters, and let him go. That, however, was small comfort. Added to the insult was weary waiting at Volksrust, where he knew nobody, and a large slice taken out of his all too brief holiday of three days. Mr. Peters returns to his duty tonight. I need hardly comment upon this episode, beyond saying that this is a sample of what many a respectable Indian has to suffer in even visiting this country. Here there is no question of general legislation, no question of an Asiatic influx, but a question of simple courtesy and justice between man and man. Or is the wearing of a coloured skin to be, in the words of Mrs. Vogl who wrote the other day to the Glasgow *Herald*, a crime against the white people of the Transvaal?

I am, etc.,
M. K. GANDHI

Rand Daily Mail, 10-10-1907

223. INDIANS AT THE CAPE

Though somewhat late in the day, we reproduce in another column the report[1] from the *Cape Times* of an important test case heard before the Cape Supreme Court and arising out of the Immigration Law. We have before now expressed our great regret for the lethargy of the leading Cape Indians when the immigration measure was passing through the Cape Parliament. We feel sure that a law of that description would undoubtedly have been considerably modified, had representations been made. Though the facts of the case are fully dealt with in the report, they will bear repetition here. A certain Indian domiciled at the Cape, having landed property there, and being a general dealer since 1897, intended to visit India and, in order to

[1] Not reproduced here

avoid inconvenience at the time of his return, wanted a permit to absent himself from the Colony for a period to be fixed by him. The Immigration Officer refused to do so, offering a permit whose period was to be decided by himself. Whether the Immigration Officer's offer was reasonable or not is not the question, because on the one hand there was an attempt to get the right, on the other hand an attempt to deny the right. The Immigration Officer said the granting of a permit to an Asiatic to absent himself was a concession. The Asiatic said he demanded it as a matter of right. The Supreme Court has now decided that, in accordance with the law, there was no inherent right in the Asiatic to receive a permit of absence. In the abstract, the thing is simply farcical, in that it reduces Asiatics to a state of slavery, for which no one is to blame but the leading Indians themselves. The most interesting point, however, raised in the course of the argument was left undecided. The first section of the Immigration Act seems to preserve the rights created under the Immigration Act of 1902 repealed by the Act in question. It states that:

> Such repeal shall not affect any acts or things done or commenced, any rights, privileges, or protection acquired, any penalties or liabilities incurred, any disability or disqualification existing, any offences committed or any proceedings taken at the commencement of this Act.

Now Act 47 of 1902 safeguarded the rights of Asiatics among others who were domiciled in South Africa. It would appear, then, that the rights of Indians who were settled before 1902 at the Cape or even in South Africa are not detrimentally affected by the Act of 1906. Justice Maasdorp clearly stated that the point could only be raised and decided on an Indian, domiciled at the Cape before 1902, leaving it and returning without having taken out the permit of absence. It is very simple, and we trust that the Indians at the Cape will lose no time in having the right tested. The custom of issuing permits of absence is extremely oppressive, and undoubtedly interferes with the freedom of movement that every independent man must claim.

Indian Opinion, 12-10-1907

224. ABOUT "INDIAN OPINION"

Our readers must have noticed that originally we gave four pages to the Gujarati section, but later increased them to eight and then again to 12. For some weeks past the number has gone up to 13, 14 and even 15. Now we intend to give 16 pages every time. Owing to several difficulties, it may occasionally happen that we cannot give so many pages. Such an increase involves additional expenditure to us, though that will not deter us, for our aim is to earn our bread through public service. Service is the principal object. Earning a livelihood takes the second place. From the time that *Indian Opinion* was founded[1] till today, no one has thought of making money out of it, and no one will ever think of it in future. Hence we intend to give to the reader greater benefits in proportion to the rise in income. If and when there remains any balance after the salaries of those connected with the journal reach a certain level, all of it will be spent on public work.

We are convinced that an increased circulation of *Indian Opinion* will mean growth of education and patriotism among us. The journal has at present only 1,100 subscribers, though the number of readers is much larger. If all readers buy their copies, *Indian Opinion* can render three times better service than it does today. We hope it will not be considered unreasonable of us if we expect encouragement in proportion to the increase in the number of our pages. If those who fully realize the value of the service rendered by this paper secure even one additional subscriber each, we shall feel heartened thereby and get some help in meeting the increased expenditure consequent upon the increase in the number of pages.

[From Gujarati]

Indian Opinion, 12-10-1907

225. SOUTH AFRICA BRITISH INDIAN COMMITTEE

This Committee is about a year old now.[2] Whether it should be continued or not for another year depends on the Indians of South Africa. This question has been raised by Mr. Ritch. We draw the attention of every Indian to his letter.

The Committee has put in a tremendous amount of work which, as every Indian can see, has borne excellent fruit. Today our ship is at

[1] In June 1903; *vide* Vol. III, p. 313.

[2] It was formed in November 1906; *vide* Vol. VI, p. 228.

mid-sea, and to dissolve the Committee at this juncture will, we think, amount to scuttling it.

It is not the Transvaal alone that profits by the services of the Committee but the whole of South Africa. Johannesburg is not alone in having gained some benefits in regard to the question of the Vrededorp Ordinance. It should be considered an advantage to all that the Ordinance has been amended, and that an impression was created on the public. If the struggle against the new law succeeds, every Indian will stand to gain. This is not all the achievement of the Committee. The Natal Municipal Act is as good as repealed and the credit for it can go only to the Committee. The Committee is still fighting the question of licences. With regard to the question of Delagoa Bay, we think it was the Committee's correspondence that produced an effect. If the Cape Indians were to wake up from their slumber, the Committee in England could also put up a fight against the law concerning them.

The Committee includes many renowned men. Without, however, the services of Mr. Ritch, it could not function at all. Sir Mancherji Bhownaggree puts in much effort, but this is only one of his many activities. As for Mr. Ritch, all his time is taken up by the work of the Committee. For the present, therefore, the Committee cannot function without him. Mr. Ritch is now due to return to South Africa, but he appears to be willing to continue there.

Let us now consider the question of expense. When the Committee was founded, the minimum expenditure was estimated at £300 per year. But the work turned out to be so heavy that the sum of £500 already sent to the Committee was found to be insufficient. That the Committee could manage with so little expenditure means that Mr. Ritch received only a nominal salary. Even that he would not have accepted. But it was not possible for him to maintain himself there without it. From now, all the expenses of Mr. Ritch should be met by us. According to his estimate, the total expenditure for one year will come to £1,000. If the Committee works at full speed for one year, we should put down its requirements at £500. Add to this the £500 to be paid to Mr. Ritch. The total will thus come to £1,000. We can make adjustments in the miscellaneous items of expenditure, but not in the expenses to be allowed to Mr. Ritch. For, his expenditure in England will easily amount to so much.

This is a problem that needs careful thought from every Indian; and it has to be taken up by every association. Every part of South Africa ought to contribute to the Committee's expenses.

It should not be too much for the Cape, Rhodesia, Delagoa Bay, Natal and the Transvaal combined to bear this expenditure. Even at so much expense, it is not ordinarily possible to have such a Committee

and to get such work. It is only because Mr. Ritch is not a paid servant but looks after the work as if it were his own, that he can manage with the sum mentioned above.

We shall publish our readers' views on this subject if they are sent in brief letters. We shall also receive contributions which any persons may desire to make, and in due course they will get receipts from the Association.

[From Gujarati]

Indian Opinion, 12-10-1907

226. SMUTS' SPEECH

A full translation of the speech delivered by Mr. Smuts in Pretoria appears in our Johannesburg newsletter. It deserves careful reading and attention. Mr. Smuts has spoken in his pride, but God does not allow a man's pride to last long. The same thing will probably happen to Mr. Smuts' pride.

The arrogance of this gentleman can be equalled only by his ignorance. We are happy to note that Mr. Essop Mia has already sent a fitting reply to this gentleman.

Mr. Smuts speaks as if the British Government counts for nothing with him. It is also likely that the Liberal Party might go against him as a result of such speeches. It is immaterial to us whether or not that Party opposes him.

Let us take some instances of Mr. Smuts' ignorance. He says that it is only against finger-prints that we are fighting. This is absolutely absurd. Though[the giving of] finger-prints is one of the questions, our struggle is not based on that question. The chief reason for the fight is that the law stamps us as criminals and liars, and attacks our community and humiliates us in the eyes of the whites and the Coloured peoples and wants to crush us as if we are altogether worthless. Ignoring all these considerations, Mr. Smuts lays stress only upon the question of finger-prints and so makes fun of us to amuse the white people. Mr. Essop Mia has already sent him a stinging reply to these lies and to the other accusations. It is a grave charge that he makes when he says that there are places in Johannesburg, Bombay and Durban where permits are fraudulently duplicated.

But Mr. Smuts' views deserve more attention than his falsehoods. From what Mr. Smuts says, it can be seen that his whole attack is on businessmen. The Indian businessman has become the special object of his dislike. He openly says that he will send the businessmen to the Location. At any cost, he wants to reserve the Transvaal exclusively for

the whites. He blames the present slump on the Indian businessman. And he will not rest so long as he does not uproot him. He thinks that if we accept the law, he will be able to do whatever he likes. If after starting a big struggle and taking oaths, we go to sleep, it will be quite easy [for him] to give us kicks. The Indian businessmen must especially realize from this that, if they get registered, they will suffer a double loss. They will lose face, they will be condemned by Indians and even after soiling their hands and faces, they will have to go to the Locations and be ruined. If they remain firm and fight, their prestige will be maintained. Prestige alone is real money; not only that, there is every possibility that by remaining firm we may win the fight. That means, their business will be saved. There is only one way of saving ourselves, and that is to fight against the law. Otherwise, we are as good as dead from this very moment.

Besides, we take Mr. Smuts' speech to be merely a form of threat. The man of action does not speak much. Barking dogs seldom bite. The hooded serpent does not bite, but only hisses. On the one hand, Mr. Smuts says that every Indian will be deported in December; on the other hand, that in January licences will be cancelled and the stores closed down. What is the truth? If all are to be driven out in December, then whose shops will be closed down? Such words are spoken only by a man mad with rage. Moreover, the authority to deport is not yet given to him. He has started holding out threats of deportation even before that. We take this to be merely a children's play. Finally, how can the man who holds his good name dear to himself fear deportation or imprisonment? The Indian community, which has placed its trust in God, is not likely to be afraid of a thousand Smutses.

Mr. Smuts goes on repeating the same thing; on the other hand, we see that in England our strength is increasing. It is learnt from the telegrams received on Tuesday that the Aborigines Protection Society and the Union of Ethical Societies have passed a joint resolution saying that the Asiatic Act is bad, and that therefore the Indian Government, the Colonial Office and the Transvaal Government ought to be considerate. All these associations and the newspapers of the world are with us. In view of this, whatever his strength and whatever his pride, what can Mr. Smuts do? Where is the man who can do any harm to those whom God protects?

[From Gujarati]

Indian Opinion, 12-10-1907

227. WYBERGH'S SPEECH

We give elsewhere the substance of a speech delivered by Mr. Wybergh in Bloemfontein.[1] Mr. Wybergh has shown that, if the whites want to progress, the blacks should be entirely segregated so that the former might not have the least association with them. There is no need to say that the segregation of black people will also include that of the Asiatics. Such is the implication of Mr. Wybergh's words. Indians are not less civilized than the whites. On the contrary, they claim a more ancient civilization than that of the whites, of which Mr. Wybergh in his selfishness has no idea. In plain words, it means that, if Mr. Wybergh could have his own way, he would pack Indians off the very next day to live by themselves. Whether or not he and his other associates will be able to do this depends very much on the strength which the Indians are able to show at present. We already hear the first rumblings of a warning that, if Indians beat a retreat in the present struggle, the whites will regard them as worthless and drive them away to live in segregation. Will not the Indians realize this and be on their guard? On the one hand, Mr. Smuts has given threats as to what he will do if we do not submit to the law. On the other, Mr. Wybergh has already given us to understand, though indirectly, that once we submit to the law (that is, convince them that we are stuffless), no time will be lost before we are driven away to live in segregation. If anyone is frightened by Mr. Smuts' threats, then Mr. Wybergh's words are no less worthy of attention. There is only one remedy and that is for the Indians to remain firm in the present struggle and prove their mettle.

[From Gujarati]

Indian Opinion, 12-10-1907

228. CAPE INDIANS

The more we read about the Cape Immigration Act, the more we blame the Indian leaders. We think the case fought on behalf of Mr. Dharsey of Vryburg was an important one. We have reported it in full in English and have also offered our comments on it.[2] We give here such of the facts of the case as can be easily understood.

Mr. Dharsey has been doing business in the Cape since 1897. He asked for a temporary permit for 18 months to go to India. The officer refused to give such a permit, and offered to give a permit for one

[1] Not reproduced here

[2] *Vide* "Indians at the Cape", pp. 275-6.

year. Mr. Dharsey asked for the permit as a matter of right. The officer said he had no such right; it was the officer's discretion whether or not to grant a permit. Thereupon Mr. Dharsey took the matter to the court. The Supreme Court dismissed his application and held that an Indian could not compel an officer to give [him] a permit.

This judgment means that, if an Indian leaves the Cape without permission, he cannot return. As the power of giving a permit rests with the officer, the Indians are for ever imprisoned in the Cape. That permits are at present being given to all means nothing at all, but that a permit should have to be asked for is itself tyrannical. There is no such law anywhere else. In Natal, once a certificate is issued, it is valid for ever. In the Transvaal, too, the certificate intended to be issued will be a permanent one. In the Cape, when an Indian wants to go out, he must take a "ticket of leave". If he does not take it and if he does not know English, he cannot return. We hold this to be a very oppressive measure. Besides, for such a "ticket of leave", a fee of £1 has to be paid. There is not much difference between this and slavery. Why cannot one leave the Cape without a "ticket of leave"?

There are remedies yet. One is that the Cape leaders should put up a big fight and get the law amended. The other is that they should show their strength at the Cape election. There is also another sting in the law which is worth noting. Every Indian is compelled to give his photograph. That some people are not asked to show the photograph need not flatter anyone. If influential people are excluded from this, what benefit does it mean to the Indian community? That will not preserve our honour in any way.

There is a third way which we may think of. In the course of the argument in the above-mentioned case, it was submitted that the Act of 1906 was not applicable to those Indians who had been living in the Cape since before 1902. As this question was not one of the points for decision in the case, the Court did not give a ruling on it, and declared that it would consider the question as and when such a case arose. According to the Act of 1902, any Indian living in South Africa had the right to enter the Cape. From this it is assumed that the Act of 1906 cannot be applied to Indians living there since before 1902. If this argument is correct, then such Indians do not require "tickets of leave". In order to raise such a case in a court of law, an Indian residing there from before 1902 should go out of the Cape and try to return. If the Immigration Officer prevents him, then the question can be raised in the Supreme Court. There is no doubt at all that this question is worth raising. These are the three steps which the Cape Indians can take, and we hope they will take all of them.

[From Gujarati]

Indian Opinion, 12-10-1907

229. JOHANNESBURG LETTER

Smuts' Reply to Disgraceful Letter

I said earlier that Mr. Smuts had replied to the petition submitted to him by Mr. Roos on behalf of certain Indian leaders. Here is a translation of the reply:[1]

> I have the honour to acknowledge the receipt of your letter of the 30th August last on the subject of the regulations framed under the Asiatic Law Amendment Act (No. 2 of 1907) and to inform you as follows:
>
> 1. If Asiatics who are residing in the Transvaal submit to the provisions of the law in question, the Government is prepared to accede to their request that special authority be granted empowering certain selected officers, who shall be white persons, to call for the production of certificates from Indians except in cases of suspicion or crime.
>
> 2. Clerks who issue trading licences will not be empowered to investigate the *bona fides* of applicants. Such licence will be issued on the presentation by its lawful holder of a certificate of registration and all that will be further required from the applicant in this respect is the furnishing of an impression of his right-hand thumb. This impression will be forwarded for verification to the Registrar of Asiatics, Pretoria, and, if found to be correct, no further investigation or action will be necessary.
>
> 3. With regard to the proposed importation of Asiatic clerks under temporary permits, the earlier decision cannot be altered.
>
> 4. There is no question of removing children from the care of their parents or guardians, and no order to leave the Colony will be made in respect of Asiatics under the age of 16 years.
>
> The requirement that parents and guardians shall on making application for registration supply the particulars of their male children and wards must be carried out.
>
> 5. Apart from the Chinese Consul and others from whom it is not the practice to demand finger-prints, it is not possible to exempt other Asiatics from the requirement of furnishing their finger-impressions.

[1] The translation given here has been collated with the original in English which appeared in *Indian Opinion*, 5-10-1907.

"As the Gifts, So the Songs"[1]

Accordingly, the gentlemen on whose behalf the petition was addressed have received the reply that they deserve. This reply shows that Mr. Smuts has not conceded even a single point. The demand that the permits should be inspected by white officers would not be granted if the applicants alone got themselves specially registered, but only if all Indians submitted to the law. If I were at all to have my hands blackened, I for one would say that it would make no difference whether my register was inspected by a white or a black. If the black inspects it, he may be a little polite. Readers may inform me if there is any instance of a white officer having been polite to slaves. I shall then do my best to make the name of such white officer immortal through this paper.

As for the remaining demands, Mr. Smuts has given a flat refusal, and that too in language deserved by those who would make themselves slaves. He has also shown how some of the demands were pointless. For instance, the one pertaining to boys. Even if Mr. Smuts desired to do so, he could not lay hands on boys under 16 years without amending the new law. If a child does not give its finger-prints, it cannot be punished, but the father who fails to teach his child the alphabet of slavery will be punished! How can the Government afford to have sons of slaves grow up in a spirit of independence? The sons of Englishmen learn drill and know how to handle a gun from the age of eight. We, however, have been branded as slaves; hence our sons can only have an education for slavery. "Like father, like son": this has always been so. What further comment on the reply should I make? It will be enough to say just this: If the cruel blow dealt by this letter should in some degree rouse the spirit of our brethren at Pretoria, they might yet give up their attachment to money and make bold to send a fitting reply to Mr. Smuts, and retrieving their mistake, heartily join the fight that is being waged by the Indian community. Indeed, Mr. Smuts' letter should provoke every Indian. It should lead every Indian lion to this decision: "I shall have nothing to do with the Transvaal, if Mr. Smuts will let me stay here only on the terms mentioned in his letter. There is the great God to provide for us. A mere crumb of bread He will give at any other place as well." Once we are inspired by such a spirit, people will see how glorious our struggle can be. Such persons, like the brave Thoreau, will find gaol to be a palace, and the cry of challenge from Indians in prison shall pierce Mr. Smuts through and through.

[1] A Gujarati proverb implying that one gets what one deserves

Hajee Cassim's Explanation

The responsibility for Mr. Roos's letter is placed on Mr. Hajee Cassim. He, therefore, believes that injustice has been done to him, and offers the following explanation, which I place before the community. Mr. Hajee Cassim writes:

> The petition submitted to the Colonial Secretary was made jointly by certain gentlemen. Again, it was couched in humble language not at my instance but on the advice of the counsel. We, too, thought it proper to apply to the Government in humble terms. People had joined in making that application, thinking that a humble petition would induce the Government to grant our demands. They all gave their consent. It is not true that it was especially I who got the application made. *Indian Opinion* wrongly lays the blame at my door. It is wholly undeserved. To get registered or not depends on one's own will. Someone seems to have supplied you with false information. It is not proper to rely upon it and wrongly mention my name in the paper. From the very first, I have publicly told the leaders of the British Indian Association that, as long as God kept up my courage, I would go along with my brethren and that, even if I were to lose courage in the end, I would do whatever might be necessary on their advice and with their assistance.
>
> It is quite a different matter if the charge against me is that of joining the other gentlemen in sending the petition. I have always been a person of mild temper, and I joined [them] thinking that those seeking a compromise with the Government were doing a wise thing. For, like the rest I also thought that the law would not be repealed and the better course would be only to seek amendments through an understanding with the Government and thus handle the situation in a spirit of compromise. The struggle put up by the British Indian Association is just, I have full sympathy with it, and I wish it godspeed.

Smuts' Speech

Mr. Smuts made a speech[1] at a meeting in his constituency, in which he also touched upon the question of the new law. I give below a translation of his speech:[2]

> There is yet another Asiatic question—namely, the Indians and the Chinese living in the country. These people are detrimental

[1] *Vide* "Smuts' Speech", pp. 279-80.

[2] The text given here is from the report in English as reproduced in *Indian Opinion*, 12-10-1907, with some changes needed to bring it into conformity with the Gujarati version.

to the everlasting prosperity of South Africa. Under the old law, Indians could not remain in the country unless they allowed themselves to be registered and paid a certain sum of money. Under that law, all Indians were registered. However, on account of the severe competition from the Indians, the Volksraad passed a law whereby Indians could only trade in Bazaars. But the British Government stepped in, and said that these people were their subjects, and according to the London Convention, all their subjects are to be treated alike. The law thus became impracticable, and the result was that the Indians carried on trade all over the country. They carried on business without a licence, and they were thereby even better off than the white traders. This position, however intolerable, was kept up by the British Government till the war broke out. The result may now be studied in Prinsloo Street, Pretoria, Pietersburg, Potchefstroom and other centres, where trade is largely in the hands of the Indian storekeepers. And yet people persist in asking—Whence this depression? Why all this poverty?

Indian trade is one of the causes thereof. The Indians have tried to get the same hold here as they have done in Natal. They want to have all trade in their hands. The Government has tackled the question. We have passed a law unanimously, making it compulsory for Indians to register. I think it highly desirable that the public should know the exact details of the law, as I expect that there may be trouble over it. The law has been made severe because of the large number of Indians we have to deal with, there being no fewer than 15,000 Indians and 1,200 Chinese storekeepers in the Colony. Certificates issued under the old law have been fraudulently duplicated and sold. In Bombay, Johannesburg and Durban there are known to be places where these manufactured certificates can be bought by Indians for so much cash, and as one Indian cannot be well distinguished from another, the Government has decided to have the finger-print system. The Indians object to this on the plea that it is too degrading. (Laughter.) A deputation of Indians went to England and interviewed the Government, but the latter sanctioned the law. I have personally investigated the pleading of the Indians. What do I find? I find that these self-same people have to make their finger impressions before they leave India, where the system is in vogue for several objects. Any person being an ex-official or ex-soldier in India entitled to a pension must put his finger-prints down, otherwise he cannot draw his pension. All these things came to light when the Indians sent a deputation to England. The Indians think that they can fool the present Government, but they will soon find out their mistake.

The Indians have been given time to register. The Government has found that pickets of coolies have been placed near the Registration Office, with the result that only a few registrations have taken place, but I may just remind them that all things have an end. The law will be rigidly enforced, and any Indian who has not registered himself after expiry of the period for registration will be put across the border. A new notice has been issued that on December 31 no traders' licences will be issued unless registration has taken place. The Indians have to register now. This is their last chance, as after the date given no registration will be allowed. The result will be that no licences will be issued, and all Indian stores will be closed down. (Loud applause.) The Indians evidently think that the Government will give in, but I assure you that the Government does not contemplate any such course. I warn the Indians that the Government will insist on the strict enforcement of the law, and I trust that the newspapers will make it fairly plain that on December 31 the doors will be closed against them for ever. I have no quarrel with the Indians; the object is not persecution, but a stoppage of the influx of Indians. We have made up our mind to make this a white man's country, and, however difficult the task before us in this matter, we have put our foot down, and shall keep it there. (Loud applause.)

Essop Mia's Rejoinder

Mr. Essop Mia has given a reply to this speech which I translate below:[1]

Association Meeting

With the permission of the Hamidia Islamic Society, a meeting of the Association took place at the Society's hall last Sunday. Mr. Essop Mia took the chair. The hall was packed to capacity. Mr. Quinn, President of the Chinese Association, and other Chinese were also present. After Mr. Essop Mia's speech, Mr. Gandhi said with reference to the pickets that it was necessary for them to use utmost courtesy. They should not stand in a group at any one place. They were in the position of soldiers. The soldier's duty was to carry out orders, maintain discipline and never leave the place of duty. Soldiers had a leader over them, and he should also be obeyed. If any of the pickets whose names were with Mr. Gandhi were arrested while they were doing their duty, he (Mr. Gandhi) would defend them. If, however, they should be sentenced to a fine, they were not to pay it, but must go to gaol instead. Pickets who misbehaved or went in for violent quarrels

[1] For the text, *vide* "Letter to Colonial Secretary", pp. 272-4.

would not be defended in any way. Then Mr. Gandhi went on to explain the need to continue the South Africa British Indian Committee, and referred to Mr. Ritch's letter in detail. Afterwards the meeting was addressed by Messrs Emam Abdool Cadir, T. Naidoo, Abdul Rahman (of Potchefstroom), Nawab Khan, Coovadia, Ali Mahomed, Joseph, Omarji Sale and others. They pointed out that the Committee must be maintained. Mr. Joseph asked what was to be done for those losing their jobs. In reply, Mr. Gandhi said that all of them had to suffer every hardship that might befall, including that of going to gaol. If those in service cared for their honour, they would not care for their jobs. If a person lost his job, he could get another. But honour once lost could never be regained. If a job were lost for the sake of the country, what would it matter? In regard to licence notices, Mr. Gandhi said in reply to a question by Mr. Coovadia that, if no licence was issued, the only proper thing would be to go to gaol. But there would be no difficulty in trading without a licence. If, however, the Indian community felt afraid, a test case could be made. That would, of course, need money.

Meeting of Pickets

A separate meeting of pickets was held prior to the meeting referred to above. Every question was tackled with great courage. Men were appointed to watch every station and the Von Brandis Square. Badges have been prepared for everyone, so that a picket can be easily identified. The list of pickets has undergone some change, but I do not intend to give any names now. For, it is probable that there may be still further changes. At the end of the month, I shall give the names of those who will have worked as pickets. Among the names given in the last issue, two identical names were printed. They should be read as Narotam Amthabhai Patel (of Vanz) and Naranji Karsanji Desai (of Chhina).

Suggestion to Krugersdorp Indians

I find that Krugersdorp Indians are still working through the reporter of the *Rand Daily Mail*. They have given excessive emphasis to [finger-]prints. But it is necessary to realize that we refuse to submit to the law because it singles us out as its target and thereby brands us as criminals. Such Indians ought to go through the past numbers of *Indian Opinion* and acquaint themselves with all the facts.

Cases against Hawkers

Some cases against hawkers were heard at Boksburg. The magistrate is to decide whether it is an offence for a hawker to remain in a private building for more than 20 minutes. Being sympathetically

inclined towards one of the hawkers, the magistrate let him off. The same thing may happen in connection with the new law, too.

PICKET ARRESTED

The police arrested a picket named Mr. Bhana Chhania on a charge of obstructing pedestrians by standing on the footpath. The case was heard by Mr. Cross. Mr. Gandhi defended the accused free of charge, and the Magistrate discharged him. It was arranged that he should go to gaol if he was fined. One should not take this to mean that one can keep standing on any footpath. The reason for his discharge was that no pedestrian was likely to be obstructed by reason of Mr. Bhana's standing there. When the police object to anyone standing at a particular spot, the best course is to move on to another place.

[From Gujarati]

Indian Opinion, 12-10-1907

230. COMMUNICATION TO S.A.B.I. COMMITTEE[1]

[JOHANNESBURG,
Before *October 14, 1907*]

You may officially intimate that the letter to Sir Henry Campbell-Bannerman accurately represents the views of the community here and that if the leave sought is granted, Indians will certainly feel that they are being treated as part of the Empire. To-day they undoubtedly feel that they are step-children.

[M. K. GANDHI]

[L. W. RITCH, ESQ.
28, QUEEN ANNE'S CHAMBERS
BROADWAY, WESTMINSTER
LONDON, S. W.]

Colonial Office Records: C. O. 291/122

[1] In regard to the Asiatic Registration Act, L.W. Ritch, Secretary, South Africa British Indian Committee, had addressed a letter on August 14 to the British Prime Minister, Sir Henry Campbell-Bannerman, *vide* Appendix V. The official reply, *inter alia*, stated: "The Prime Minister does not know whether the position taken up by the British Indians of the Transvaal themselves is exactly represented by these propositions." Evidently, this was communicated to Gandhiji. Ritch in his letter of October 14 to the Prime Minister quoted the above as "a communication from the Honorary Secretary, the Transvaal British Indian Association". The original is not available.

231. LETTER TO MAGANLAL GANDHI

[JOHANNESBURG,]
October 14, 1907

MY DEAR MAGANLAL,

I have your letter. Please tell Mr. Budrea that I have noted all fees with the utmost care. As he was absent, many letters I wrote have not been charged for at all. Still, tell him that he can strike off any fees charged by me and I shall accept his decision. With reference to his papers, I am looking into the matter. You can be very plain to him with reference to my bill. I should feel sorry for him to think that I could ever betray the trust reposed by him in me and charge fees in an unwarranted manner. I would like him to go through every item and put his cross against everything he considers objectionable.

I have received Mrs. Doman's account of distribution.

Yours sincerely

From the typewritten office copy: S. N. 4769

232. LETTER TO COMMISSIONER OF POLICE[1]

[JOHANNESBURG,]
October 15, 1907

THE COMMISSIONER OF POLICE
JOHANNESBURG

SIR,

I happened to be in court when Mr. Alexander mentioned, on behalf of two Indian clients of his, that they were frightened of the "pickets" in Von Brandis Square and that it was for that reason that they had not made their application for registration certificates. I repudiated the statement then, and I do so now. Some Indians are undoubtedly watching entrants to the Registration Office with a view to explaining to them the position they would be in owing to submission to the Asiatic Law Amendment Act and using their influence to prevent them from attending the office, but, should anyone intend to go to the office in spite of such persuasion, he is left totally unmolested. Such a case happened while Mr. Alexander was making his statement to the Magistrate. A young Indian lad wanted to be registered. He was with his mistress;

[1] This was first published in *The Star*, 16-10-1907.

and nobody prevented him. Another Indian, also, similarly went to the Registration Office in Von Brandis Square some time ago. I bring these facts to your notice, as it was suggested by Mr. Alexander that his clients should receive police protection, and, as a matter of fact, I now understand they did receive police escort.

On behalf of my Association, I venture to give the assurance that no intimidation will be countenanced by the British Indian Association, and every effort will be used by my Association to see that no one who may wish to go to the Registration Office is molested by anyone connected with the Association. So far as I am aware, I am certain that Mr. Alexander was misinformed by his clients, who were more afraid of Indian public opinion than of any bodily harm.

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI
HONORARY SECRETARY,
BRITISH INDIAN ASSOCIATION

Indian Opinion, 19-10-1907

233. LETTER TO "THE STAR"[1]

JOHANNESBURG,
October 18, 1907

TO
THE EDITOR
THE STAR
[JOHANNESBURG]
SIR,

Whilst the totally inoffensive Indian pickets are being charged, without an iota of proof, with intimidation of those who may wish to take out registration certificates, you will, perhaps, be so good as to allow me to draw public attention to the hollowness of the charge, as also to counter-intimidation, which is a reality.

A case happened yesterday in which three Indians from Pietersburg were actually offered escort by the pickets, but it was refused. The fact is that an attempt is being made to discredit the pickets by feigning terror, and by asking for police protection. We, too, have our "national scouts". They undoubtedly wish to increase their number, and allegation of intimidation is one of the methods adopted. If there is any truth in the charge, why has not anyone been prosecuted? It must be the

[1] This was reproduced in *Indian Opinion*, 26-10-1907.

easiest thing to prove, because intimidation is supposed to take place in broad daylight in Von Brandis Square in the presence of hundreds of passers-by.

As to counter-intimidation, many Indians believe that Indians possessing permits issued by either Capt. Hamilton-Fowle or Mr. Chamney are, under quasi-official pressure, being dismissed for not having submitted to the Registration Act. Whether such pressure exists or not, I have before me a letter from the chief ganger at Germiston, confirming the information received that nine Indians were dismissed because they would not apply to be registered under the new Act. It causes little wonder, seeing that General Smuts himself has led the way. He has threatened all kinds of punishment—deportation and deprivation of licences at the same time for the same persons. How both can take place I do not know. Physical deportation is not even possible without the immigration measure, which has still to receive Royal sanction. Indians do not mind a fair fight, and, so far as I can see, they are prepared even for an unfair fight, though it will be strictly un-British. Why should the assistance of European employers be called in to force Indians to take out certificates of slavery? That many employers have up to now resisted any such pressure and positively declined to dismiss Indians in their employ redounds to the credit of both—of the employers because they will not take part in the process of hitting below the belt, of the Indians because they are too valuable and faithful servants to be dismissed.

I have just learned that the four Indians on whose behalf it was stated that they were intimidated, and who were admittedly without any permits, have to-day been discharged and assured in the open Court that they will receive registration certificates. No doubt slaves deserve their badge. In my opinion, those who possess old Dutch passes, as these men are alleged to do, should be treated in the same way as those who have received permits under the Peace Preservation Ordinance, but it is a matter of public knowledge that Mr. Jordan had to perform the painful duty of giving all such persons notice to quit the Colony. One such man received notice the same day that the four men above-named stated they would apply for new registration certificates. General Smuts is thus, indeed, finding out the lawful residents from the unlawful ones. The latter will become, under the Registration Act, the chosen people, because they will have applied for certificates under it, and the former, because they value their manliness more than worldly riches, will be turned into unlawful residents.

I am, etc.,

M. K. GANDHI

The Star, 19-10-1907

234. *MR. RITCH'S SERVICES*

A member of the South Africa British Indian Committee writes of Mr. Ritch in the following strain:

> The Indian community can never be sufficiently grateful [for] or appreciative of the Herculean work and devotion of this able, capable, self-sacrificing man.

Not only do Indians in South Africa endorse every adjective used above, but they realize that at no time can his services be so valuable as now. The Indians in the Transvaal are fighting a struggle the like of which will not recur in this generation. It is, therefore, imperative that Lord Ampthill, in his endeavour to secure redress for the Transvaal Indians, should be assisted by the ever-vigilant and indefatigable Mr. Ritch.

Indian Opinion, 19-10-1907

235. *GENERAL BOTHA'S EXAMPLE*

Though the Indian community is fighting heroically in the Transvaal, there is a secret anxiety as to what will happen in the end. Anyone who feels such anxiety must have very little faith in truth and in God. To those who feel concerned for this or any other reason, we hold up the example of the present rulers of the Transvaal. Readers will remember that, before the whites of the Transvaal were granted self-government, Mr. Lyttelton had offered them partial self-government, on the advice of Lord Milner. General Botha, General Smuts and others could have joined it. But such rights appearing insufficient, General Botha wrote to Lord Milner to say that they would not participate in his Government and that they were not satisfied with the constitution which was offered to them. This piqued Lord Milner. There was a huge meeting at the Wanderers' Hall. Speaking at the meeting, Lord Milner held out the threat to General Botha that if the Boers did not join in running the government, it would be carried on without them. The threat did not move General Botha. The result now is that the Boers have complete self-government. Here is an example of a great boycott. Botha carried out a boycott and won.

It should be noted in regard to this instance that the Boers prepared themselves for a boycott because they did not get the additional rights they had demanded. We are not asking for more rights, but are opposing the yoke of slavery that is being imposed upon us. What is there for us to be afraid of in doing so? Botha's boycott succeeded because

he had full confidence, and because he convinced Lord Milner that it was not merely an empty threat he was holding out of not participating in the government, but that he meant what he said. In our struggle, Mr. Smuts is still not convinced that the Indians are really strong enough. We hope the Indian community will take a lesson from General Botha's example and hold out to the last.

[From Gujarati]

Indian Opinion, 19-10-1907

236. LESSON FROM PETERS' CASE

Why did Mr. Peters have to suffer in Volksrust? This question ought to arise in the mind of every Indian. If a well-dressed European travels in a first- or second-class carriage, he will be presumed to be a respectable man. In fact he may be a great criminal. In the case of a person with black skin, it will be presumed that he is a rogue, though in fact he may be a respectable man. This is what happened to Mr. Peters. The examining constable took it for granted that Mr. Peters had a false permit. The officer is not much to blame in this. The blame lies with the Government. They have passed the obnoxious law on the assumption that Indians are liars and the examining constable acted on it. Thus it is that the Indian is not respected today. If the Indian community were now to submit to the obnoxious law, how could it be surprising if the whites, apart from respecting an Indian, never even talked to him without first giving him a kick? It is for these strong reasons that the Indian is opposing the law, not on account of any one section in it, or because of finger-prints. If the root of the law is bad, what is the use of quarrelling with its twigs? It is necessary to lay the axe at the root. And that axe is the courage and manliness of Indians.

[From Gujarati]

Indian Opinion, 19-10-1907

237. RITCH'S SERVICES

The services rendered to the Indian community by Mr. Ritch are beyond praise. One of the members of the Committee writes:

> When I speak of the London Committee, you should take it to mean Mr. Ritch. The Indian community can never be sufficiently grateful [for] or appreciative of the Herculean work and devotion of this able, capable, self-sacrificing man. I believe it will help you very much if you continue to maintain the Committee and let Mr. Ritch remain in London for the present. I am quite convinced that the existence of the Committee has shaken the confidence of the Transvaal Government. If the Committee is allowed to spend more, it can do a lot more.

We do not believe there is any exaggeration in these words. We must see to it that we do not lose such valuable services for want of money.

[From Gujarati]

Indian Opinion, 19-10-1907

238. REGULATIONS ABOUT CLOSING HOURS FOR SHOPS IN TRANSVAAL

Everyone knew that as in Natal, so in the Transvaal, a law would be passed to fix closing hours for shops. These regulations have now been passed and published. We give elsewhere a translation of the important provisions. We advise the Transvaal Indian traders and hawkers to read them very carefully; Indian business will suffer a little on account of these regulations, but the loss should be put up with. We suggest that every trader and hawker should fully respect them. It is because Indians break such laws that they attract unfavourable notice, and our enemies are provided with weapons against us. Where all are required to close the shops at the same time, there should be no need for anyone to keep his shop open longer.

[From Gujarati]

Indian Opinion, 19-10-1907

239. JOHANNESBURG LETTER

Hamidia Meeting

This Society is growing in strength. The spirit of the people is also rising and both Hindus and Muslims shout with one voice that the law should be wrecked. On Sunday Mr. Emam Abdool Cadir took the chair. The Moulvi Saheb and the Dervish Saheb spoke at great length. Messrs Coovadia, Omarji Sale and others also spoke. Mr. H. A. Coovadia and others argued that since Mr. S. Haloo had soiled his hands and face and had applied for registration, he be boycotted. The suggestion was hailed by the whole meeting. The Society has recommended that all contacts with Mr. Haloo should be cut off, his employees should give notice and quit his service, and that other Indians should have no business dealings with him. Then a member of the Society, Mr. Dawji Patel of Klerksdorp, who was proceeding to India, paid all the arrears of subscription and also paid another ten shillings with a view to retaining his membership of the Society while he was away in India. The Society

presented to him a silver medal. There were complimentary speeches by some gentlemen. Mr. Dawji Patel has already left for India.

Next day (Monday) Mr. Haloo himself went to Mr. Gandhi's office to express regret for having made the application to register himself. The pickets immediately came to know of this and sent a notice to Mr. Gandhi: "Please note that if Mr. Haloo visits your office again, you too will be boycotted."

In reply to the notice, Mr. Gandhi thanked the pickets and complimented them on having done their duty. I want all Indians to have the same burning enthusiasm always. Having such enthusiasm is unconnected with the question whether, if Mr. Haloo should offer a formal apology to the Society and express regret, his apology should be accepted or not. What is to be noted and acted upon is that a pledge once given must be observed and that the duty assigned to us must be carried out. It was the duty of the pickets to act as they did, so long as Mr. Haloo's action had not been condoned.

Ram Sundar Pundit's Case

Mr. Ram Sundar Pundit has been receiving telegrams of congratulation from every place on his courage. He is full of confidence and the Indians at Germiston are keeping up his spirit. He has not been arrested so far. It will not be surprising if they are not able to arrest him, just as they could not arrest Abdul Kadir Kokati. I shall send a telegram before Friday to say what happens in this matter.

Peters' Case

The ill-treatment to which Mr. Anthony Peters was subjected is still being discussed. The constable who was responsible for it has now gone back on his statement and denied having done anything to Mr. Peters. Now they have asked for Mr. Peters' affidavit. The case is to continue.

Illumuthu's Case

Illumuthu's case is worth studying. I give below Mr. Vyas's convincing letter on the subject:

> The magistrate has ordered Illumuthu to leave the country within two days. In 1897, Illumuthu had gone to Bulawayo. Before the war, he had been working on Cook's Farm at Johannesburg. For a month he worked in Robinson Mine. At Bulawayo, he was kept for a short time in a mental hospital. The doctor sent him to a hospital here for change of climate. The warder of the hospital, on the orders of the Registrar, took him to the Registrar's Office. There they asked for his particulars, which he gave as above. Ultimately, the Registrar served him with a

Supplement to INDIAN OPINION,
28th September, 1907.

Indian Passive Resistance Volunteers in Pretoria.

THE PASSIVE RESISTERS.

Star 25/10/07

Scene on Von Brandis Square.

25/10/07

Mr. Gandhi's Explanation.

TO THE EDITOR OF "THE STAR."

Sir,—I regret that I have to trespass upon your courtesy again with reference to the Asiatic Registration Act. Your report of to-day's happenings on Von Brandis Square bears evident traces of inspiration.

I pass by the description of Indian pickets as "pickets of coolies" as merely an ignorant description of inoffensive and honourable men.

I still maintain that neither the pickets nor any other Indians have exceeded the limits of moral suasion in preventing registration. The Indian referred to by your reporter was in the witness-box to-day, and certainly said that there was no molestation. He was taken hold of by the arm, and, when he said that he wanted to go to the registration office, he was allowed to go. That was his own evidence, corroborated by his co-registrant and the accused. I do not know whether this can by any stretch of imagination be described as "roughly collared outside the office." The men—there were two Indians—who were met by the accused Indian, who, by the way, was not a picket, did not know what the law was. All they knew was that they got a letter from their master to go to some office in Johannesburg to sign. Why should any exception be taken to people at least informing such men of the trap into which they were about to fall? The opinion of the registration officer that Dr. Mathey's client must have been intimidated because he did not appear to register may, perhaps, be counterbalanced by another and more probable opinion—that the client has listened to the remonstrances of his friends, and not been intimidated. I am free to admit that there are many Indians who, but for the pickets, would allow themselves to be registered. The real thing they fear is not intimidation but Indian public opinion. These are men who know the law to be bad, but who cannot rise superior to their worldly ambition, and they would undoubtedly register if there were no pickets. To mention the priest case in connection with the matter betrays either very great ignorance or equally great prejudice on the part of your reporter, because that case was entirely a religious quarrel, and the priest who was assaulted, in giving his evidence, himself expressed exceeding regret that he had ever filed his affidavit. I do not wish to defend the Dervish who committed the assault, but I fancy that all communities have such men and all are proud of them. They do not live for a nationality but for a principle.—I am, etc.,

M. K. GANDHI.

Johannesburg, October 24.

notice to leave the country, with the result mentioned above. Illumuthu is still out of his mind. He has nothing with him except three rags. The Registrar did not offer him a pie by way of travelling expenses. The magistrate says that it is none of his concern. From the asylum, too, he has been given the discharge certificate.

This is a harrowing case. Illumuthu is a pauper. He is an old resident of the place. If he had not applied for registration, no one would have concerned himself with him. But he was made to apply and has now been served with a notice to leave the country. Where should he go? Where could he get the money from? Why should he go? The Indian who submits to such an oppressive law will be called to account both by the Indian community and by God. Those who, being without permits, apply for registration will be reduced to the plight of Illumuthu, and they will deserve it. Their safety lies not in rubbing their fingers [i. e., giving finger-prints] but in leaving the Transvaal and, if their case is strong, in going to gaol. The gaol is now the place for honest and truthful men.

Chinese Unity

Messrs Harvin and Paterson, a prominent business firm here, have a large business with the Chinese. They supply them on credit goods worth about £5,000 every month. The firm gave notice to the Chinese that further credit would be stopped if they did not take out the new registers. The Chinese, instead of being intimidated by this, became bolder. In reply, they asked the amount of the debit entries against them in the firm's books, offering immediate payment, and declining to do any further business with the firm.

Mr. Harvin was silenced by this reply, apologized to the Chinese and agreed not to refer any more to the registers or to their accounts. Our merchants, when threatened by white merchants, get scared and become ready to take out registers as if they were slaves. They then forget the oath they had taken not to submit to the law.

Pickets' Work

The pickets have been exerting themselves a great deal. There is no doubt that their exertion has prevented many weak-kneed Indians from going to the Registration Office. Pickets have been posted at Park, Fordsburg, Bramfontein, Doornfontein and at Jeppe stations, as also round the Permit Office. As a result of these arrangements, three Indian workmen coming from Roodepoort were intercepted. They had been compelled by their master to go in for registration. Since they chanced to come upon the pickets, the latter reasoned with them, with the result that they went away, promising that they would lose their jobs rather than take out the new registers.

Much anger and resentment are felt by the community because Mr. Imam Kamali is misguiding the people and interfering [with their affairs]. Imam Kamali is not an Indian, but a Malay. Everyone feels that, being a Malay, he ought not to interfere.

MONSTER PETITION[1]

This petition has not yet been sent to the Government. It has been held up, pending receipt of the completed forms from one or two places. Signatures of most of the leading Indians have already been obtained. Among the signatories are Messrs Abdool Gani, Hajee Habib, Essop Mia, Dadabhai, Coovadia and other gentlemen. I hope to give more information next week.

CAN TIME BE GRANTED FOR LEAVING?

A question has been asked: If the attack begins in December and people are produced before a magistrate, will they be allowed time [for leaving]? When a person is produced before a magistrate for not taking out the new register, he can ask for time, and it will be for the magistrate to decide what time to give. That is, he may grant anything between one hour and one year. I do not say that a long time will necessarily be allowed, but there is no doubt that the magistrate has the power to allow whatever time he thinks fit. I think asking for time will be humiliating and I shall not advise anybody to do so. Still, those who get frightened of gaol and desire to wind up their affairs can ask for time, and I don't think the magistrate will refuse to grant it altogether. Everything will depend on the merits of each case, on the magistrate and on the circumstances.

ESSOP MIA'S BEREAVEMENT

On Friday night Mr. Essop Mia's wife passed away in child-bed. This has caused deep sorrow. Mr. Essop Mia wanted to go on a pilgrimage to Mecca with his wife, but was kept back on account of the struggle against the obnoxious law. Meanwhile, this sad event has occurred, which has affected him all the more. I pray to God that He may give fortitude of mind to Mr. Essop Mia.

BEG'S LETTER

Mr. Beg continues to write strongly in newspapers. He has written a long letter to *Pretoria News* in reply to Mr. Smuts' speech, in which he shows up the unreasonableness of Mr. Smuts. Mr. Brittlebank too has written a letter to the same paper, in which he condemns the Transvaal Government. Another letter from Mr. Beg also appears in the *Leader*.

[1] *Vide* "Monster Petition", pp. 234-6.

"THE SUNDAY TIMES"

Since the Passive Resistance movement [was mooted], *The Sunday Times* has been publishing cartoons every week. The cartoon published this week shows the office of the Registration Officers who draw their salaries without doing any work. In his note, the editor asserts that the Government certainly ought to drive out the "coolies".

HAJEE HABIB

Mr. Hajee Habib has arrived at Pretoria from Durban.

WHY IS WHOLE OF NOVEMBER KEPT BLANK?

Some people have asked me whether the Government is so hungry that it will eat up the whole of November. If Indians are to be prosecuted, why should it not start on the first of November? Those who ask this question have not been reading *Indian Opinion* carefully. Otherwise, my explanation of the notice did include this point. I request the reader to read *Indian Opinion* henceforth with great care. It will not take many days to do so. Rather, I am convinced that the reader will find in it something worth knowing. After saying this, I reply to the question. The notice issued says that those without new registers on or after December 1 will be prosecuted. The month of October will all be taken up in receiving applications for registers. The Registrar does not give his decision immediately on receipt of an application. He has the authority to order further investigation after receiving it. He is bound to take some time for such investigation. The Government has allowed the month of November to Mr. Chamney for scrutiny of applications. During this period, it will be decided whether those who have made the slavish application should be rewarded with slavery or not. Hence everyone can have the register in December. Some may ask why one whole month is allowed for this in spite of the boycott by the Indian community. The answer is that the Government cannot take notice of the boycott. In case a very large number of applicants turn up on 31st October and flood the Registration Office with applications, the Registrar has to be allowed enough time to decide on them. For this reason, there is unfortunately a gap in November.

ATTACK ON PICKETS

Mr. Alexander, advocate, and Mr. De Villiers, advocate, had each two Konkanis as clients on Tuesday. The Konkanis were charged with staying on without a permit. Both the counsels told Mr. Jordan that the said Konkanis were intimidated by pickets, and therefore could not go to the Registration Office. They were ready to go. Mr. Alexander suggested that the court should order the pickets to be removed. Thereupon Mr. Gandhi, who was present, said that the pickets gave no

threats, and that he himself would take the Konkanis to the Registration Office, if they desired to go there. The matter is now likely to go to the Police Commissioner. Hence the Secretary of the Association has addressed the following letter to him.[1]

From this incident, the pickets should learn to be careful and do their work with utmost patience. They are to do nothing more than reason with people. When any persons are accompanied by the police, the pickets should not interfere at all. Those who would be slaves need not be obstructed by anyone. It makes me feel ashamed that there are Indians who accuse the pickets of using threats; I feel that it is our misfortune. It has been made clear to every Indian that if he wishes to give his finger-prints, the pickets themselves will conduct him [to the Office]. There will still be twelve days of October left when this letter appears in print. Many interesting things will happen during those days. Every Indian and every picket at Johannesburg has to show courage and, at the same time, patience, gentleness and sweetness. What the people are to do is to avoid the Registration Office; the leaders are to explain things to keep up the people's courage and to put up with monetary loss, and the pickets are to do their duty with patience. There is no need of pressure by pickets. What is required is their presence. There should be a picket at every station and at every point from where an Indian might approach the Office. If the Government should attack the pickets, they must not feel afraid. And it should be remembered that, if anyone is arrested while picketing, he is not to offer bail, and if convicted, he is to go to gaol instead of paying the fine.

Gave up Job, but Did not Soil Hands

Messrs Murugan, Armugum, Harry, Venkatapen and Muthu were employed in a pottery. They were asked to leave their jobs if they did not take out registers. They gave up the jobs, but did not have their hands soiled. Every Indian ought to show such spirit. I regard these men as heroes.

Cowards Put on Veil

Four cowards came from somewhere. They reached the Registration Office unnoticed in a curtained carriage and had their finger-impressions taken. That is how four men honoured the Johannesburg Office on Wednesday last and applied for the title-deed of slavery.

Note ! Note ! Note !

I hope every Indian will realize why the Registration Office is anxious to get the Indians registered by every possible method.

[1] *Vide* "Letter to Commissioner of Police", pp. 290-1.

Mr. Smuts knows that, if the Indians remained firm, it would be impossible to compel them to be registered by sending them to gaol. Nor could he harass thousands of Indians with regard to licences. In the end, he would certainly have to repeal the law. Let every Indian note this and be careful to keep up his courage.

[From Gujarati]

Indian Opinion, 19-10-1907

240. LETTER TO "THE STAR"[1]

JOHANNESBURG,
October 24, 1907

TO
THE EDITOR
THE STAR
[JOHANNESBURG]

SIR,

I regret that I have to trespass upon your courtesy again with reference to the Asiatic Registration Act. Your report of today's happenings on Von Brandis Square bears evident traces of inspiration.

I pass by the description of Indian pickets as "pickets of coolies" as merely an ignorant description of inoffensive and honourable men.

I still maintain that neither the pickets nor any other Indians have exceeded the limits of moral suasion in preventing registration. The Indian referred to by your reporter was in the witness-box today, and certainly said that there was no molestation. He was taken hold of by the arm, and, when he said that he wanted to go to the registration office, he was allowed to go. That was his own evidence, corroborated by his co-registrant and the accused. I do not know whether this can by any stretch of imagination be described as "roughly collared outside the office". The men—there were two Indians—who were met by the accused Indian, who, by the way, was not a picket, did not know what the law was. All they knew was that they got a letter from their master to go to some office in Johannesburg to sign. Why should any exception be taken to people at least informing such men of the trap into which they were about to fall? The opinion of the registration officer that Dr. Mathey's client must have been intimidated because he did not appear to register may, perhaps, be counter-balanced by another and more probable opinion — that the client has listened to the remonstrances of his friends, and not been intimidated. I am free to admit that there are many Indians

[1] This was reproduced in *Indian Opinion*, 2-11-1907.

who, but for the pickets, would allow themselves to be registered. The real thing they fear is not intimidation but Indian public opinion. These are men who know the law to be bad, but who cannot rise superior to their worldly ambition, and they would undoubtedly register if there were no pickets. To mention the priest case in connection with the matter betrays either very great ignorance or equally great prejudice on the part of your reporter, because that case was entirely a religious quarrel, and the priest who was assaulted, in giving his evidence, himself expressed exceeding regret that he had ever filed his affidavit. I do not wish to defend the Dervish who committed the assault, but I fancy that all communities have such men and all are proud of them. They do not live for a nationality but for a principle.

I am, etc.,
M. K. GANDHI

The Star, 25-10-1907

241. LETTER TO "THE TRANSVAAL LEADER"

[JOHANNESBURG,
Before *October 26, 1907*]

[THE EDITOR
THE TRANSVAAL LEADER
JOHANNESBURG]

SIR,

My Association is grateful to you for your temperate leaderette with reference to alleged intimidation by Asiatic passive resisters. We can have no hesitation in endorsing every word of what you have said against any violence being used in the Indian movement. Our aim in connection with the Asiatic Act has always been to secure redress by suffering ourselves, not by imposing suffering on others.

The paragraph in your columns is evidently inspired. I have no hesitation in denying the existence of a reign of terror, unless the very strong feeling against the Act permeating the whole mass of Indians in the Transvaal acts as a reign of terror among those who want to cut themselves adrift from the community and take out certificates under the Act, not because they like the process, but because they hold their pockets to be superior to their honour. I admit the fact that several Asiatics who had left their places of employment with the distinct intention of registering decided not to do so on being accosted by the watchful pickets, who used the effective argument of placing before the registrants the true state of the Law and disabused their minds of the subtle inducements that had been held out to them as a reward for registering. The public

can have no knowledge of the Herculean efforts being put forth by the Government to induce the community to register. The pickets have never used threats, and constant watch is being kept by the responsible members of the community on the doings of the pickets.

The information about a Mahomedan priest being assaulted is, unfortunately, true, but he was not assaulted by a number of Indians. The facts are these: The priest in question is not an Indian, but a Malay. We have in our midst a Dervish, who is a devout follower of the Prophet. He passes all his time in one of the three mosques, and earns his bread, whenever he thinks it worthwhile, by accepting the work of breaking stones on one of the mines. He listens to no one, and is perhaps the most independent-spirited man going in South Africa. Everyone who has seen him and his simple life respects him. When he heard that the Malay priest incited Indians, especially Indian Mahomedans, to violate the sanctity of their solemn oath and to submit to the Law, he was enraged. He deliberately walked to the Malay Mosque, met the priest, and entered into an argument with him. He cited a text from the *Koran* to convince the priest that he, of all the people, should have desisted, especially as he was not an Indian, from interfering with Indian matters and from inducing people to violate the Koranic precepts. Warm words followed, and the unfortunate assault was the result. To charge Indians with responsibility in the matter would, you will admit, be strictly unfair. Many of us have reasoned with the Dervish and have implored him to restrain himself, but he recognises no intervention between himself and his God. To him, needless to say, his home and the jailyard are one and the same thing, and, when reasoned with, he said he was quite willing to appear before the Court and justify his action.

As to the poisoning of the dog, the charge is wicked. I have made very careful inquiry, and I can trace no connection between the poisoning and the registration of the master of the dog. Many dogs belonging to Indians have of late been poisoned. It is generally believed that this is done by thieves intending to avoid being detected by the barking of these dogs. It will be terrible if every evil occurrence happening to an Indian blackleg were to be debited to Indian passive resisters. No, Sir, we have no desire to resort to questionable methods in order to compel obedience to the wish of the majority of Indians on the part of the minority. How can we who wish to be free as to our movements and, therefore, refuse to submit to the Asiatic Act put restraint upon others who do not think with us? Claiming independence and self-respect for ourselves, we would be false to our ideal if we denied the same measure of independence to others.

As to the Hindu priest in the reef town mentioned by your reporter, there was certainly no fracas in Germiston. It is perfectly true that the priest has interested himself, like every other Indian priest, whether Hindu

or Mahomedan in the Colony, in a question which affects the welfare of the whole Indian community. No Indian prizing his religion can do otherwise. Cannot a priest ask his congregation to look up to God rather than to Mammon in a matter in which there is a choice between God and Mammon?

[*I am, etc.*,
ESSOP ISMAIL MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION]

Indian Opinion, 26-10-1907

242. THE LATE MR. ALEXANDER

The news of the death of the late Chief Constable[1] of Durban has come upon the whole Durban community as a painful shock. When he left for Jersey, Mr. Alexander was in the full possession of health, and it was hoped that he would be spared for many a long year and enjoy well-earned rest. It is most painful to recall the fact that the purse presented to the late Superintendent of Police for the Borough of Durban just came in time to enable him to go home. He had endeared himself so much to the cosmopolitan community of Durban that he will live long in their memory. We tender to the widow our heartfelt sympathy in her loss, which is also the loss of the community.

Indian Opinion, 26-10-1907

243. FOR PASSIVE RESISTERS[2]

> The principle of State necessity can bind only those men to disobey God's law who, for the sake of worldly advantages, try to reconcile the irreconcilable; but a Christian, who sincerely believes that the fulfilment of Jesus' teaching shall bring him salvation, cannot attach any importance to this principle. —Tolstoy

David Thoreau was a great writer, philosopher, poet, and withal a most practical man, that is, he taught nothing he was not prepared to practise in himself. He was one of the greatest and most moral men America has produced. At the time of the abolition of slavery movement, he wrote his famous essay "On the Duty of Civil Disobedience". He went to gaol for the sake of his principles and suffering humanity. His essay has, therefore, been sanctified by suffering. Moreover, it is written for all

[1] *Vide* Vol. VI, pp. 272-3 and 415.

[2] Gandhiji's interest in the concept of Passive Resistance found expression in a subsequent announcement in *Indian Opinion* inviting essays on the subject. *Vide* Appendix VI.

time. Its incisive logic is unanswerable. During the last week of October —a month of sore temptation to Asiatic passive resisters, whose silent suffering has now reached the whole civilised world—we present the following extracts from Thoreau's essay. The original occupies a little over thirty pages of a pocket book and has been published by Mr. Arthur C. Fifield of 44 Fleet Street, London, in his beautiful "Simple Life" series, at 3d.

THE EXTRACTS

> I heartily accept the motto: "That government is best which governs least"; and I should like to see it acted up to more rapidly and systematically. Carried out, it finally amounts to this, which also I believe: "That government is best which governs not at all"; and when men are prepared for it, that will be the kind of government which they will have. Government is at best but an expedient; but most governments are usually, and all governments are sometimes, inexpedient.
>
> After all, the practical reason why, when the power is once in the hands of the people, a majority are permitted, and for a long period continue, to rule is not because they are most likely to be in the right nor because this seems fairest to the minority, but because they are physically the strongest. But a government in which the majority rule in all cases cannot be based on justice, even as far as men understand it.

Indian Opinion, 26-10-1907

244. THE G. O. M.

Our readers will be sorry to learn that Mr. Dadabhai Naoroji was unable to attend the magnificent farewell party that was arranged in his honour, owing to sudden illness. The party was attended, as appears from the full report given in *India* to hand, by politicians representing all shades of opinion. The absence of any cable news shows that the Grand Old Man has regained his health, and that his abstinent, austere, and temperate life, so eloquently described by Sir Mancherji, has stood him in good stead. We hope that he will long be spared to the country he loves so well.

Indian Opinion, 26-10-1907

245. PERVERSITY OF MEMONS

There is a saying among us to the effect that those who are about to be destroyed grow perverse first. That is what has happened to the Memons in the Transvaal. Only a very few of them must have remained without the title-deed of slavery. Those who have remained so we hold to be lions. We are not writing this with the intention of giving pain to the persons who have made the evil choice but in the hope that other Indians will take a lesson from their evil deed.

There is no need for the other communities to get nervous because the Memons have taken out registers. Fear is a sign of cowardice. None need imagine that the Memons, having taken out permits under the obnoxious law, will be able to carry on their business in the Transvaal without let or hindrance and mint money and that other Indians will have to run away. In fact, though some Memons have become slaves, hundreds of Indians have remained free and for this we must offer prayers of thanks to God. We hold that only an ignorant man will expect the Memons to be able to carry on their business in peace though they might have taken out the title-deed of slavery. If the other Indians have at all to quit the Transvaal, the whites at least will witness the kicks that the Memons will get. We shudder to think of the fate awaiting them.

However, we believe that, if most of the remaining Indians continue to be firm and are prepared to court arrest, no one will be required to leave the Transvaal. All Indians who have the right to settle in the Transvaal will be able to do so in peace, and the new law will be wrecked. We take it that those who think that it will not be wrecked have no faith in God's truth and in His most holy justice. We, therefore, entreat the other Indians to hold the honour of India high and to suffer all hardships rather than submit to the new law. We give below a Gujarati version of the English translation of what is said in the last section of the *Holy Koran:*

> Say: I submit myself to God who is the King of the whole world. He will save me from the clutches of Satan, of the wicked and of men.

Let every Indian inscribe these words in his heart. This is the time to save ourselves from the clutches of timid men. The verse quoted above applies to all, be they Hindus, Muslims, Parsis or Christians. For there is only one Truth. And likewise, there is the same God over all. "Gold will always be gold, though it takes on different names when it is made into ornaments."[1]

[From Gujarati]

Indian Opinion, 26-10-1907

[1] From a poem by the medieval Gujarati poet, Narsinh Mehta. One of his poems "Vaishnav Jana to", describing the character of the true devotee of God, was Gandhiji's favourite hymn.

246. DUTY OF TRANSVAAL INDIANS

We have often written in the past under this title, and may have to write many times again. We advise every Indian in the Transvaal to read the translation we have given of Mr. Ritch's letter and of the other papers accompanying it. Every member of the Committee is now with Mr. Ritch. The Hamidia Islamic Society's letter was brought to the notice even of Mr. Morley. It is being discussed in England. Sir George Birdwood is an old and prominent Indian civil servant of outstanding ability. He has served for many years on the India Council. He has stated that the fight of the Indians is justified. Mr. Ritch feels puzzled when he finds some of us Indians yielding. In other words, the Committee desires that we fight to the last. If, after our giving so much publicity to the struggle, any Indian submits to the obnoxious law out of fear, being selfish or greedy of money, we shall take him to be an enemy both of himself and of the country.

[From Gujarati]

Indian Opinion, 26-10-1907

247. INDIAN MERCHANTS OF LADYSMITH

Twelve Indian stores in Ladysmith district have been closed down. We think this is very bad news indeed. These merchants had applied again for licences. No licences were issued to them, but they were served with notice that, if the stores were not closed down, they would be prosecuted. Frightened by this notice, the merchants have closed down their stores. We would like to urge them to be bold and open their stores for business. Let the Government, if it so desires, prosecute them for carrying on trade without a licence. After being tried, they will be fined, and when the fine is not paid, their goods will be auctioned. We would particularly advise that they should allow the goods to be sold thus. That will need courage. Who will show that courage, if not brave people? Some may say that, if the goods are auctioned, the people will be ruined. Will not the people be ruined if the stores are closed down? The Government will auction the goods once. Can it do so every time? It may prosecute one trader. Will it prosecute twelve? Supposing it does, will not the Imperial Government intervene? It cannot but do so. If, indeed, it does not, that also will be worth being sure about. If the Indian community unites to give a fight, we are sure that the Natal Dealers' Licences Act will be wrecked. We advise the leaders of Durban that

they should join hands with the merchants of Ladysmith to present a united front. We are convinced that doing this requires courage rather than money. He who is bold enough to give such a fight must remember (1) that the fight can be about old stores, (2) that the stores should be clean, and that (3) the proprietor should have an unblemished record. If such storekeepers give a concerted fight, they cannot but win in the end.

[From Gujarati]

Indian Opinion, 26-10-1907

248. INDIA'S GRAND OLD MAN

The revered Dadabhai Naoroji is at present in England. In view of his very old age and his poor health, he had intended to pass the latter part of his life in his own country. Hence, a very big reception was held in London in his honour. Unfortunately, he fell ill on the very day. He could not attend the reception and his [plan of] returning to his country had also to be given up. This news came from England by the last mail, and almost a month has elapsed since then. Till now no telegram has been received, which gives us reasons to believe that India's Grand Old Man is still safe, and that in all probability he is in good health. More news ought to come by the next mail. Meanwhile, we must all pray to God to give "the Grandfather"[1] a long life.

[From Gujarati]

Indian Opinion, 26-10-1907

249. LATE SUPERINTENDENT ALEXANDER

There is a telegram in the papers announcing Superintendent Alexander's death. We are much grieved at this and believe that every Indian will feel similarly grieved. Superintendent Alexander was always kindly disposed to the Indians. At this time, we may recall that the purse he received from the Indian community had proved very useful for his departure for England. Mr. Alexander leaves his widow behind him. We offer our condolences to her.

[From Gujarati]

Indian Opinion, 26-10-1907

[1] "Dada" in Gujarati means grandfather.

250. *JOHANNESBURG LETTER*

Meeting of Hamidia Society

As usual, a meeting of the Hamidia Islamic Society took place last Sunday. The hall was packed to the full, and people were in high spirits. Mr. Emam Abdool Cadir presided. Mr. Ram Sundar Pundit made an eloquent speech and gave an account of his meeting with the Indian employees of the Railway. Quoting verses from the holy *Koran*, Moulvi Saheb Ahmed Mukhtiar showed that, having taken an oath in the name of God, Muslims could never submit to the law. He said that if Mr. Haloo's servants encouraged him, they too ought to be boycotted. No member of the community could allow it to be demoralized in any way.

Mr. Gandhi read out Mr. Hajee Habib's letter from Pretoria and also the letter received from Klerksdorp. He then pointed out that no one should talk of boycott. But once boycott was decided upon, it should be carried out.

Mr. Alibhai Akuji said that, if it was decided to boycott all blacklegs, he would arrange to withdraw the Kanmia employees of Mr. Haloo. Mr. M. S. Coovadia said that Mr. Hajee Habib spoke in his letter of some leaders in Johannesburg having secretly got themselves registered. Mr. Coovadia was quite sure that this was not true. He was in favour of boycotting all blacklegs. He said that he had flatly refused to buy flour from Mr. S. Butcher, though he would have gained £50 by doing so, because the latter had conveyed to him that he would supply flour only if Mr. Coovadia got himself registered. Mr. Coovadia had thus chosen to suffer a loss.

Mr. Omarji Sale supported the boycott. Mr. Ebrahim Coovadia read out the article and poem on "Permit Piano" that had appeared in *Al Islam*. Speaking again, the Moulvi Saheb proposed that the Hamidia Islamic Society should write to the President of the Indian National Congress about the struggle against the law. Something should be done by the community about the refusal of the German Lines to issue first-, second- and third-class tickets for their steamers on the European route. Boycott would be a simple remedy.

Mr. Ebrahim Coovadia supported the Moulvi Saheb's proposal to write to the Congress. The meeting was then addressed by some other gentlemen, after which the President made his concluding remarks and terminated the meeting.

Meeting of Madrasis

The Madrasis held a meeting in Market Street. About a hundred men were present. Mr. Gandhi explained the whole position to them. They all resolved to oppose the law firmly till the end.

Report in "The Transvaal Leader"

It has been reported in *The Transvaal Leader* of last Saturday that the Indian community must have been losing strength, for some Indians beat up an Imam[1] for having escorted an Indian to the Permit Office and also poisoned the dog of the Indian who had taken out the permit; and at Germiston, a Hindu priest started a brawl. Commenting upon the report, the *Leader* says that no Indian leader might have been a party to the assault, etc. Even then if any Indian took to violence, there would be no sympathy left for the Indian community, and damage would be done to it.

Essop Mia's Letter

In reply to this, Mr. Essop Mia has addressed the following letter[2]:

Sir,

My Association is grateful to you for your temperate leaderette with reference to alleged intimidation by passive resisters.

The paragraph in your columns is evidently inspired. I have no hesitation in denying the existence of a reign of terror, unless the very strong feeling against the Act permeating the whole mass of Indians in the Transvaal acts as a reign of terror among those who want to cut themselves adrift from the community and take out certificates under the Act, not because they like the process, but because they hold their pockets to be superior to their honour. I admit the fact that several Asiatics who had left their places of employment with the intention of registering decided not to do so on being accosted by the watchful pickets, who placed before the registrants the true state of the law and disabused their minds of the subtle inducements that had been held out to them. The public can have no knowledge of the Herculean efforts being put forth by the Government to induce the community to register. The pickets have never used threats, and constant watch is being kept by the responsible members of the community on the doings of the pickets.

[1] Muslim priest

[2] For the original, *vide* "Letter to *The Transvaal Leader*", pp. 302-4. In what follows, the text has been altered at some places so as to bring it into conformity with the Gujarati version.

The information about a Mahomedan priest having been assaulted is, unfortunately, true, but he was not assaulted by a number of Indians. The facts are these:

The priest in question is not an Indian, but a Malay. We have in our midst a Dervish, who is a devout follower of the Prophet. He passes all his time in a mosque and earns his bread, whenever he thinks it worth while, by accepting the work of breaking stones in one of the mines. He listens to no one, and is perhaps the most independent-spirited man going in South Africa. Everyone who has seen him and his simple life respects him. When he heard that the Malay priest incited Indians, especially Indian Mahomedans, to violate the sanctity of their solemn oath and to submit to the law, he was enraged. He deliberately walked to the Malay Mosque, met the priest, and entered into an argument with him. He cited a text from the *Koran* to convince the priest that he, of all people, should have desisted, especially as he was not an Indian, from interfering with Indian matters and from inducing people to violate the Koranic precepts. Hot words followed, and the unfortunate assault was the result. To charge Indians with responsibility in the matter would be strictly unfair. Many of us have reasoned with the Dervish and have implored him to restrain himself, but he recognizes no intervention between himself and his God. To him, needless to say, his home and the gaolyard are one and the same thing, and, when reasoned with, he said he was quite willing to appear before the court and justify his action.

As to the poisoning of the dog, the charge is wicked. I have made very careful inquiry, and I can trace no connection between the poisoning and the registration of the master of the dog. It is generally believed that this is done by thieves intending to avoid being detected by the barking of these dogs. It will be terrible if every evil occurrence happening to an Indian blackleg were to be debited to Indian passive resisters. No, Sir, we have no desire to resort to questionable methods in order to compel obedience to the wish of the majority of Indians on the part of the minority. How can we who wish to be free as to our movements and, therefore, refuse to submit to the Asiatic Act put restraint upon others who do not think with us?

As to the Hindu priest mentioned by your reporter, there was certainly no fracas in Germiston. It is perfectly true that the priest has interested himself, like every other Indian priest, whether Hindu or Mahomedan, in the Colony, in a question which affects the welfare of the whole Indian community. No Indian prizing his religion can do otherwise. Cannot a priest ask his congregation to look

up to God rather than to Mammon in a matter in which there is a choice between God and Mammon?

Comments on Incident

This incident deserves serious reflection. There is no doubt that Imam Kamali and Mr. Haloo have made exaggerated and false statements to the Registration Officers. Mr. Essop Mia states that it was not true that he was assaulted by a number of Indians. It is obviously unfair to charge the whole Indian community with responsibility for the assault by one Dervish. It is quite improbable that an Indian will poison Mr. Haloo's dog. We must realize from this incident that there can be no violence at any stage in our struggle. We cannot win by using force. Those who fight with trust in God do not need to resort to violence or similar methods. I for one will never believe that truth can be defeated. The case of Indians is perfectly just, and hence we need not fear the outcome. Those who submit to the obnoxious law will find the new permits reacting of their own on the bodies of the Indians like a medically impure compound of mercury; they will then, indeed, soil their hands.

Police Commissioner's Letter Regarding Pickets

Readers will recall that a letter was written to the Police Commissioner, saying that the pickets had not used any force. The following reply has been received from him:[1]

> I have the honour to acknowledge the receipt of your letter of the 15th instant, in respect to the pickets placed on the Registration Office, Von Brandis Square, and I am gratified to receive your assurance that no intimidation of intending applicants will be countenanced by your Association, and I trust that your efforts to see that no molestation occurs will be continued.

This letter makes it clear that there is nothing wrong in posting pickets. It is only their using force or offering threats that is wrong.

No Licences in January?

A notice has been published in the *Gazette* that no licences will be issued in January to those who might not have taken out the new registers. Even then, a notice in writing is being given to individual, leading Indians in every town that if they do not apply for registration before October 31, they will not be able to do so later and no licences will be issued to them in January. A written receipt is also obtained when such a notice is served. What does this mean? It is obvious that the Government is afraid that, if the Indian community does not submit to the law, no action can be taken against it. They are, therefore, getting restless now, and they want to get the people to apply for the title-deeds of

[1] What follows is the original letter published in the English section of *Indian Opinion*, 26-10-1907.

slavery by holding out both threats and inducements. In spite of these visible signs, there are some Indians who do not take the warning but, weighed down by their greed of money, throw themselves like moths on the flame of the obnoxious law, and get burnt to death. I hope the other Indians will take careful note of these signs and remain firm to the last.

German East Africa Line[1]

The information which the Moulvi Saheb gave at the Hamidia meeting, that no tickets other than deck tickets are issued to Indians on steamers plying on the European route, should not be treated lightly. It has been causing much friction for some time. As the Moulvi Saheb pointed out, it is chiefly the pilgrims to Mecca who feel the hardship the most. The remedy is very straight and simple. In the first place, the Line has at different places Indian agents who can make careful arrangements. The other remedy is that of a straight boycott. The Line has a very large Indian clientele. This income can be stopped if the Indian passengers are treated as mere cattle. This requires a big effort among Indians. It will be possible to make arrangements with the British India Steam Navigation Company and other companies. Moreover, the Mogul Line can be got to ply its steamers on this route, as before. There are many such remedies.

Letter to "The Star"

The charge against Indian pickets of using threats is obviously false; it is true, however, that at the instance of Government officials, some whites have been harassing Indians and using threats to make them take out the title-deed of slavery. On this, Mr. Gandhi has written the following letter to *The Star*:[2]

Sir—Since the totally inoffensive Indian pickets are being charged, without an iota of proof, with intimidation of those who may wish to take out registration certificates, may I draw public attention to the hollowness of the charge, as also to counter-intimidation, which is a reality?

A case happened yesterday in which three Indians from Pietersburg were actually offered escort by the pickets, but it was refused. The fact is that an attempt is being made to discredit the pickets by feigning terror, and by asking for police protection. If there is any truth in the charge, why has not anyone been prosecuted? It must be the easiest thing to prove because intimidation is supposed to take place in broad daylight in Von Brandis Square in the presence of hundreds of passers-by.

[1] *Vide* also "German East Africa Line", pp. 428-9.

[2] For the original, *vide* "Letter to *The Star*", pp. 291-2. In what follows, the text has been altered at some places so as to bring it into conformity with the Gujarati version.

As to counter-intimidation, many Indians believe that Indians possessing permits issued by either Capt. Hamilton Fowle or Mr. Chamney are, under quasi-official pressure, being dismissed for not having submitted to the Registration Act. Whether such pressure exists or not can be seen from a letter from the chief ganger at Germiston, confirming the information received that Indians were dismissed because they would not apply to be registered under the new Act. It causes little wonder, seeing that General Smuts himself has led the way. He has threatened all kinds of punishment—deportation and deprivation of licences at the same time for the same persons. How both can take place I do not know. Physical deportation is not even possible without the immigration measure, which has still to receive Royal sanction. Indians do not mind a fair fight, and, so far as I can see, they are prepared even for an unfair fight, though it will be strictly un-British. Why should the assistance of European employers be called in to force Indians to take out certificates of slavery? That many employers have up to now resisted any such pressure and positively declined to dismiss Indians in their employ, redounds to the credit of both—of the employers because they will not take part in the process of hitting below the belt, of the Indians because they are too valuable and faithful servants to be dismissed.

I have just learned that the four Indians on whose behalf it was stated that they were intimidated, and who were admittedly without any permits, have today been discharged and assured in the open court that they will receive registration certificates. No doubt slaves deserve their badge in the form of the new registration certificates. In my opinion, those who possess old Dutch passes, as these men are alleged to do, should be treated in the same way as those who have received permits under the Peace Preservation Ordinance, but it is a matter of public knowledge that Mr. Jordan gave all such persons notice to quit the Colony. One such man received notice the same day that the four men above-named stated they would apply for new registration certificates. General Smuts is thus, indeed, finding out the lawful residents from the unlawful ones.

Aid from Chinde

The Indians of Chinde have sent a telegram of sympathy; not only that, but they have also sent some money along with it. Mr. Ebrahim Hajee Suleman of Chinde writes to the Association as under:[1]

> Confirming our wire of the 22nd August 1907, offering our sincere sympathy in the trials of our countrymen in the Transvaal and strongly recommending

[1] The original letter was published in the English section of *Indian Opinion*, 26-10-1907. It is reproduced here with some changes to bring it into conformity with the Gujarati version.

them to be firm in pursuing their resistance policy, we beg to impress upon them the entire necessity of sticking to the same to the last.

Without detailing to you the proceedings of our meeting held on the 21st August, I would briefly inform our friends there that the proceedings were enthusiastic and the meeting was very well attended.

When the request was made for drawing up a subscription list, everyone without exception paid according to his means, and the list amounted to £33.15.9, which amount, small as it is, we beg to remit you, and to request you to acknowledge same.

A list of subscribers is attached hereto, and many of them desire the list to be published in *Indian Opinion*, not because they want to see their names published in the paper, but in the hope that, by seeing the published list, others may also be induced to come forward with help.

It is impossible to turn down this request. I am, therefore, gladly sending the list for publication. The following are the names of the contributors:[1]

A letter of thanks has been sent to the Chinde Association.

Dog's Courage

The pickets here have bought a picture by a well-known painter. It is very striking and is such as will inspire every Indian with courage. It shows a dog and two girls. The two girls have removed their shoes and one of them is pulling the dog with a string round its neck, and the other is pushing it from behind. But the brave animal does not budge an inch from the place. That is passive resistance. The painter has also named his picture "Passive Resister". The picture shows the dog strong enough to bite the girls, if it wants to. Though obstinate, the girls are mere children. But the dog merely does not want to move from its place. It says, as it were: 'I shall never be your slave. I shall not move just because you pull me with a string or push me from behind. If I go with you of my own free will, that will be a different matter. But you will not succeed with force. Likewise, I too shall not use force against you.' Such is the nature of the Indian struggle. We do not need to use force against anyone. But we shall not give up the pledge we have taken.

List of Blacklegs

I give below an up-to-date list that has come into my hands of blacklegs, or black-faces or "piano players", call them what you will:[2]

I feel ashamed to give the list, but do so from a sense of duty, suppressing the feeling of shame. Mr. Hasam Mamad named here was chief picket at Pietersburg. It is a matter of no small regret that he allowed himself to be stamped with a black mark and accepted slavery. They say it was Mr. Abou Aiyab who took the initiative, but he was no

[1] Here followed in the original a list of 46 names.

[2] Here followed in the original a list of 74 names.

more than a pawn in Mr. Khamisa's game of chess. Why therefore blame him? These gentlemen felt so ashamed that they were reluctant to accept the register with number 1. Thereupon, the Registrar gave No. 137 to the first. That Indians, even in spite of such absurdities should feel afraid, is in itself a sign of our degradation. It can be seen from the list that the large majority of them are Memons, some Konkanis, and the rest—a Gujarati Hindu and two or three Madrasis. The list does not include Mr. Haloo and about five Konkanis who have applied at Johannesburg. Not many days are now left. Everything will be public in due course.[1] This list has been obtained with much difficulty. It was supplied to the Pretoria Chamber of Trade as a matter of favour. But once a secret passes from one person to another, it soon spreads everywhere. What wonder, then, that the written list supplied to the Chamber was passed on to others? And if it could be given to others, why should poor *Indian Opinion* be excluded? If anyone were to suppose from this that I got the names from the Chamber, it would be an error. Those who want to know how I got [the names] have to go unsatisfied[2] for the time being at least.

Klerksdorp Journal

This journal makes an amusing comment on the law. How is it, the paper asks, the concern of a mischief-monger like Mr. Gandhi? So far as he is concerned, he will pick his briefcase and go elsewhere. But those who hold property should certainly become slaves. For the Government had already declared that Indians would be deported, and that no licences would be issued. The editor of the Klerksdorp paper gives this advice as an impartial observer. He has forgotten that people acquire wealth not to be slaves, but to enjoy freedom. Hanging from the belt, the sword is an ornament; but thrust into the chest, it will cause death. Similarly, wealth brings honour to men of reputation and status, but to slaves it is like a sword thrust into the chest. Those who have earned wealth have the right to part with it, and that is the right which the Indian community is using. The whites who offer such wise counsel have themselves often sacrificed their possessions for the sake of their country and their honour, and have earned it again with equal ease. What wonder then that for the sake of its honour and its religion, the Indian community should kick off its wealth?

Very Important Case

I referred earlier to the licence case against Mr. Dulabh Vira at Roodepoort. The magistrate showed sympathy for Mr. Dulabh Vira,

[1] The Gujarati proverb used by Gandhiji means literally: The procession will soon reach the place of reception, accompanied by music and drums.

[2] The original literally translated means, "feed on empty air".

but gave his judgment against him. There were cases against two persons. One was against his servant and the other was against himself. Mr. Dulabh Vira did not hold a licence. The servant was also prosecuted because he had sold the goods. The magistrate held that though Mr. Dubabh Vira was entitled to a licence, he had no right to keep the shop running since the Receiver had not issued a licence to him. The servant was also held guilty because he had sold the goods and so he was considered to have carried on trade. He was not sentenced. Mr. Dulabh Vira was fined 1s.

In the appeal to the Supreme Court, the following grounds were advanced:

(1) In selling the goods, the employee has committed no offence. The employer alone can be found guilty under the law.

(2) Since it cannot be held to be the fault of Mr. Dulabh Vira that the Receiver had not issued the licence to him, though he had applied for it and was entitled to it, no sentence should have been passed against him.

In deciding the appeal, the Court held that the law could punish the owner of a shop trading without a licence, but not his employee. The employee is therefore free, and nothing can be done to him.

Mr. Dulabh Vira [according to the Court] had no right to run the shop without a licence. He was asked to apply to the Receiver again, and if the Court found that the Receiver was deliberately refusing the licence to him, it would award costs against the Receiver and also damages to the appellant.

This is a very important judgment. It opens up many possibilities. It is a judgment which will hearten the people engaged in the Transvaal struggle. Many Indians were afraid that, in the absence of licences in January, their shops would have to be closed down. But that fear is now dispelled. Only the owner of an establishment is liable to be sentenced. The law does not provide for forcible closure of a shop and the servants can continue to work in it. There is therefore no question of closing down. Only the owner of the store will have to suffer the hardship—according to me, the privilege—of being gaoled. I think this is a very valuable judgment.

It is very encouraging that damages and costs can be awarded against the Receiver.

If, after this decision, even a single Indian merchant is to yield, it can only be said that we deserve the obnoxious law.

Shahji Saheb Fined

Imam Kamali had filed a complaint against Shahji Saheb for assault, which came up for hearing on Wednesday. In giving evidence, Imam Kamali stated that he was sorry for having made the affidavit. There

was a dispute between the two on a religious point in connection with the question of law, during which Shahji Saheb dealt him a blow with a stick. The Imam for his part did not now desire any sentence to be passed [on Shahji Saheb]. In his deposition, Shahji Saheb admitted having dealt a blow, as stated above. The court-room was packed to capacity. The magistrate sentenced Shahji Saheb to a fine of £5 or imprisonment for seven days. The latter flatly refused to pay the fine, but, much against his desire, Mr. Gulam Mahomed Kadodia paid the fine on his behalf.

Meeting of British Indian Association's Committee

A meeting of the Association and the Anti-Indian-Law Fund took place at 12 noon on Wednesday. Mr. Essop Mia presided. Mr. Gandhi said that Mr. Dulabh Vira's case should now be taken up by the community; that arrangement should be made to maintain the South Africa British Indian Committee; and that, in view of the uncertain situation facing the community, it would be better to vest the moneys of the Anti-Indian-Law Fund under his (Mr. Gandhi's) control. After Messrs Omarji, Naidoo, Ahmed Moosaji and Fancy had spoken on the subject, it was unanimously resolved that:

(1) The South Africa British Indian Committee be maintained for one year, and that Natal be requested to help meet the expenditure for the first six months.

(2) Mr. Dulabh Vira's case be taken up by the Association and expenses incurred up to £20.

(3) The account in the name of the Anti-Indian-Law Fund be closed, and the Fund be placed under Mr. Gandhi's control.

More Blacklegs

. . . . [1] and party have applied for registration. I feel sorry to give this information.

[From Gujarati]
Indian Opinion, 26-10-1907

[1] The original mentions four names here.

251. LETTER TO SIR WILLIAM WEDDERBURN

[JOHANNESBURG,
Before *October 31, 1907*]

TO
SIR WILLIAM WEDDERBURN
CHAIRMAN
BRITISH COMMITTEE OF THE INDIAN NATIONAL CONGRESS
LONDON

[SIR,]

I beg to draw your attention to the crisis that is being approached here in connection with the Asiatic Registration Act. The last day for registration is the 31st instant, after which date, except in special cases, the Government will not entertain applications for registration certificates under the law. With the exception of the Memon community, Indians, as a rule, have refrained from going to the Registration Office and, out of 13,000 permit-holders, only 250 have applied to come under the law. This shows the strength of feeling. The mode of seeking redress is for us to suffer all the consequences of a breach of the law. Some who are very large merchants are likely to lose everything they possess. Many have begun to feel the pinch already, as European wholesale houses have ceased to give credit unless Indian merchants can produce registration certificates. Poor Indians have lost their employment, and, yet, there is the same firmness and opposition against the law.

In the opinion of my Association, the question is of first-class Imperial importance and national importance for India. My Association, therefore, hopes that the matter will be warmly taken up at the forthcoming Congress, and will also receive that general attention in India which it deserves; and with this end in view, my Association respectfully requests your active sympathy and encouragement. My Association feels that, apart from your official position, every Indian looks up to you as one of the greatest well-wishers of India, and I hope that in our present struggle, too, you will guide Indian thought in India as to what may appear desirable.

[*I have, etc.*,
ESSOP ISMAIL MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION]

Indian Opinion, 2-11-1907

252. LETTER TO COLONIAL SECRETARY[1]

JOHANNESBURG,
November 1, 1907

TO
THE COLONIAL SECRETARY
PRETORIA

SIR,

I have the honour to forward, by parcel post, the petition of the British Indians throughout the Transvaal, in connection with the Asiatic Registration Act, and herewith a copy of the instructions[2] issued to the canvassers.

When the forms were distributed through the Colony, the letter addressed to the Government on behalf of certain Indians asking for a modification of the regulations framed under the Act, was still unanswered and the letter not withdrawn. But though since then Messrs Stegmann, Esselen, and Roos' clients have not received a reply to their satisfaction, and although they have therefore withdrawn the letter, the committee of my Association desires me to forward the petition, as it embodies the sentiments of those who have signed it. In the humble opinion of my Association, the petition forms a complete vindication of the attitude adopted by it, and shows that it is representative of the vast majority of Indians in the Colony. The petition has been ready for some time, but my Association delayed its presentation, in order to test the action of the community during the period that the Registration Office remained open in Johannesburg.

There are 4,522 signatories to the petition, and they are drawn from 29 towns, villages, and districts in the Transvaal. The following is the analysis according to the centres: Johannesburg, 2,085; Newclare, 108; Roodepoort, 136; Krugersdorp, 179; Germiston, 300; Boksburg, 129; Benoni, 91; Modderfontein, 51; Pretoria, 577; Pietersburg and Spelonken, 90; Vereeniging, 73; Heidelberg, 66; Balfour, 14; Standerton, 123; Volksrust, 36; Wakkerstroom, 12; Piet Retief, 3; Bethal, 18; Middelburg, 29; Belfast, Machadodorp, and Waterval, 21; Barberton, 68; Potchefstroom, 114; Ventersdorp, 12; Klerksdorp, 41; Christiana, 24; Lichtenburg, 7; Zeerust, 59; Rustenburg, 54; Ermilo, 2.

There are in the Transvaal Hindus, Mahomedans, Christians, and Parsees from India, and the Mahomedans are divided into three sections, i.e., Surtis, Konkanis, and Memons; the Hindus into Gujarati, Madrassi,

[1] A summary of the letter appeared in *Indian Opinion*, 2-11-1907.
[2] *Vide* "Monster Petition", pp. 234-6.

and Northerners, commonly called Calcutta people. In order to avoid a separate classification for the Sikhs and the Pathans, they have been included among the Northerners, if Hindus, and among the Surtis, if Mahomedans. The Christians have not been separately classified as they are nearly all Madrassis, and are not more than 200 in all. The following, then, is the religious and provincial classification: Surtis, 1,476; Konkanis, 141; Memons, 140; Gujarati Hindus, 1,600; Madrassis, 991; Northerners, 157; Parsees, 17.

I may mention that, with the exception of the Memons, there are hardly any abstentions, but the task of reaching every Indian in the isolated parts of the Transvaal—as, for instance, farms, etc.—has been beyond my Association during the time that was allotted for the canvassing of signatures. Canvassers, who were in all cases responsible and representative men, have reported that a large number of Indians have already left the Transvaal, owing to the struggle that the community is passing through. It is common knowledge that nearly 13,000 permits have been issued to British Indians under the Peace Preservation Ordinance, and approximately that number of Indians were resident in the Transvaal when unfortunately the struggle commenced in September of last year. To-day the British Indian population of the Transvaal, according to the information at the disposal of my Association, does not at the outside exceed 8,000, but it is probably nearer 7,000 than 8,000. My Association is aware that, owing to pressure having been exerted by wholesale merchants or other similar causes, a few of the Memons and others, not exceeding 30 signatories, have recanted, and applied for registration under the Act. Moreover, according to the information received by my Association, no more than 350 Indians have applied for registration throughout the Transvaal during the period that the registration has been proceeding, namely, July 1 to October 31, and that 95 per cent. of these applicants are drawn from the Memon section.

In conclusion, my Association begs to draw the attention of the Government to the intensity of the feeling of the community represented by my Association against the Asiatic Law Amendment Act. In taking up the attitude the community has felt called upon to adopt, there has been no intention of defying either the Government or the laws of the country, but a sense of the wrong done to the community by the Act and all it implies has compelled British Indians to prepare for undergoing a course of suffering which passive resistance, as understood by British Indians, involves.

[*I have, etc.,*
ESSOP ISMAIL MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION]

The Transvaal Leader, 2-11-1907

253. LETTER TO "THE TRANSVAAL LEADER"

[JOHANNESBURG,]
November 1, [1907]

[THE EDITOR
THE TRANSVAAL LEADER
JOHANNESBURG]

SIR,

In your leading article in today's issue on the Asiatic Registration Act, you have imputed to the British Indian Association a statement to the effect that nearly the whole of the 400 men said to have been registered had no right to be in the Transvaal. I am not aware of any such statement having been made by any official of the Association. I know that some of our pickets did make some such statement, but that was mere bravado. The chief picket, Mr. Naidoo, immediately corrected it, but the correction did not appear in your report. The official statement made by the Association is that four men at least, who, according to the interpretation of the law put upon it by the Government, have no right to be in the country, have applied for and probably received registration certificates. The Association does not even consider these men to be not entitled to their certificates.

If the Government keep the office open for receiving applications, I must respectfully decline to consider it as a graceful concession, as it would be, in the opinion of the majority of Indians, a confession of weakness on the part of the Government. The British Indian Association, in all humility and in obedience to a higher call, has challenged the Government to do its worst. We do not require the registration pin-pricks, and, if the vigilance of the pickets has kept Indians away from what they consider a plague-spot, the same vigilance will be exercised in Pretoria also.

You ask what can be gained by the Indian opposition in the teeth of General Smuts' threat and the refusal of intervention by the Imperial Government. So far as I am aware, in the last resort, Indians have not pinned their faith either to intervention from Downing Street or to recognition of the principles of humanity by General Smuts. Though the effort now being made by the Indian community is undoubtedly calculated, if successful, to give them a status in the colony, they are fully aware that they may lose their all in the struggle. But, if that happens, which I do not believe, they will at least have gained a soul, and put that gain in one scale and all that General Smuts and his Act can give to the Indian community in the other, and I have no hesitation in asking my countrymen to reject at all costs the latter. You will then see that, while

we take advantage of all that the law may give us, the sanctioning of the Immigration Restriction Bill or any other harsher measure will not turn the community from the straight and narrow path. If it does—and I do not say that it will not—then every Indian knows that there is a precipice on either side.

I am, etc.,
M. K. GANDHI

The Transvaal Leader, 2-11-1907

254. *LETTER TO SIR WILLIAM WEDDERBURN*

[JOHANNESBURG,
Before *November 2, 1907*]

TO
SIR WILLIAM WEDDERBURN
CHAIRMAN
BRITISH COMMITTEE OF THE INDIAN NATIONAL CONGRESS
LONDON

[SIR,]

My Society has been moving very actively in connection with the Asiatic Registration Act. It is hardly necessary for me to state that in South Africa we have no racial differences. Hindus, Mahomedans, Parsis, Christians, belonging to the different Provinces, join hands and work for the common good. In some respects the Asiatic Registration Act peculiarly affects Indian Mussulmans. We have appealed to all parties and all sections, and my Society, therefore, ventures to appeal to you as the mouthpiece in England of the Indian National Congress, and trusts that the question of the Transvaal Registration Act will be put in the forefront of the subjects to be dealt with by the Congress, as distinguished from the general South African question. As you are aware, we are adopting what may, perhaps, be termed heroic measures, in order to meet the special difficulty in the Transvaal. The other legislation in South Africa can be lived down and has been, so far, tolerated, but the Transvaal Act is intolerable. Under the other South African legislation, Indians have not felt called upon, by way of protest, to lose all rather than submit, but, under the Transvaal Act, that step has been considered and rendered absolutely necessary. The other South African legislation deprives us, as a rule, of the avenues to wealth; the Transvaal Registration Act deprives us of our manhood and reduces us to a status almost of slavery. And, in so much as this question affects Mahomedans specially, it will, perhaps, be graceful on the part of the National Congress to give the matter of the Transvaal special prominence. By the

end of December, probably, many Indians may have even suffered imprisonment for a principle, so that a very acute stage will have been reached by the time the Congress meets.

[*I have, etc.*,
EMAM ABDOOL CADIR SALIM BAWAZEER
ACTING CHAIRMAN,
HAMIDIA ISLAMIC SOCIETY]

Indian Opinion, 2-11-1907

255. SMUTS' BRAVERY(?)

Many Indians, like women, are unnerved at the thought that General Smuts is a man who will always do what he says he will. We stated last week that that gentleman withdrew the Regulations pertaining to the closure of shops no sooner than these were published. During the week the Regulations remained gazetted, many white shopkeepers put up a fight against them. General Smuts cooled down and withdrew them within ten days of their publication. In the same way, that gentleman withdrew the Beer Bill and the Kaffir Law. The Shop Regulations were withdrawn for fear of the Transvaal whites, and the other two laws were withdrawn because of the strong opinion against them in England.

These three instances deserve to be carefully noted by Indian friends. They indicate that General Smuts is certainly afraid of brave people; but as some effeminate husbands are brave only in respect of their wives, so General Smuts shows himself brave in respect of those who panic before him, that is, to those who are like women. He has to fear the white businessmen because the power he holds depends on them. Why should he fear the Indians? Indians change their attitudes ten times a day, like women changing their dress. The same Indian may be a picket and yet accept the title-deed of slavery; the same Indian may accept a presidentship to oppose the law, and then sign an affidavit and wear the slavish sari; the same Indian taking an oath in the name of God will put down his signature with one pen that he will not submit to the law, and then with a second pen say that he must have slavery. Now, say, why should General Smuts be afraid? It is still possible under one condition, namely, that those who are yet not involved should continue fighting against General Smuts till the end, even to the point of being ruined. Then we shall see if the obnoxious law does not go the way of the Beer Bill! Never and nowhere in this world was spectacular success achieved without a struggle.

[From Gujarati]
Indian Opinion, 2-11-1907

256. TRUE FRIENDSHIP

That *The Friend* of Bloemfontein bears true friendship towards us is beyond doubt. In *The Friend* of the 24th instant[1], the editor has strongly criticized the Asiatic Act, and showed that those Indians who have opposed it deserve congratulations. If some Indians register themselves out of fear, that does not mean anything. But those who oppose the law or quit the country show up that the law is bad.

The editor of *The Friend* advises the Transvaal Government to act only after due deliberation. It is but proper that, if the Asiatics are to be made to leave, they should be compensated. We request our readers to read the whole article.[2]

[From Gujarati]

Indian Opinion, 2-11-1907

257. "THE FRIEND" OF BLOEMFONTEIN ONCE AGAIN TO SUCCOUR OF TRANSVAAL INDIANS

"The Law is Unwise and Unjust"

In *The Friend* of Bloemfontein of the 24th instant, there is a leader in support of the Transvaal Indians which runs as follows:[3]

From Pretoria comes the report that the resistance of the British Indians to the Registration Act is believed by the authorities to be weakening. The grounds for the belief are stated to be that some 48 Indians, a few of them prominent members of their community, have applied to be registered in Pretoria. At Johannesburg, however, where the mass of the British Indians resides, there have been only 16 applications, of which but one was made by a local Indian, the others coming from the outside districts. To our mind, the above figures are not nearly so significant as the fact, stated further on in the report, that 100 Indians, presumably from the Transvaal, were to embark tomorrow from Durban for India. *The British Indians in South Africa might be expected* like any other community, whether white or coloured, to develop under pressure of persecution *their own percentage of cowards.* What claims our notice is the fact not that two or three scores of them have submitted weakly to a law which they consider degrading and

[1] It appears that this article was written in October.

[2] *Vide* the following item.

[3] The translation given here has been collated with the original in English. Words underlined in the Gujarati are given in italics.

unjust, but that a large number prefer to keep their self-respect at the price of leaving the country. The action of the Transvaal Government in this matter has been morally wrong and diplomatically foolish. Those British Indians who have protested against the Registration Ordinance are British Indians who possess a full and admitted legal right to live in the Transvaal, a right derived from long previous residence. The Government has decided, without the slightest justification so far as we can see, to make their further enjoyment of that right conditional on their submission to a law which stigmatises them *as serfs or felons. It is* the simple fact that the finger-print method of registration has hitherto been confined in the Transvaal to convicts and indentured Chinamen. Some may think that the race inferiority of the British Indians makes it excusable to treat them in this fashion. If they were an inferior race, we have no right to mark our superiority by oppressing them, but *is it so sure that they are inferior?* We have Indian regiments which rank in their soldierly qualities with the flower of our army. Our universities frequently see their best prizes carried off by Indian students. In capacity for abstract thought and insight into the mystery of things, the Westerns still sit as children at the feet of the Easterns. If capacity for trade and commerce be made the test, it is generally admitted that the average white man has in these no chance against the competition of the average Asiatic. In this last fact we have unquestionably the true reason for the way in which the British Indians in the Transvaal are being treated. No doubt, we possess as a white race the military advantage over the Asiatics, but one of the anxious questions which agitate the minds of European statesmen is the question *how long that advantage is going to last.* Possibly the Asiatic myriads will within a few years wake from their torpor of centuries and overwhelm the West as they have done more than once before. Should they not do so, it will not be because the Transvaal Government is not helping to arouse them. Every British Indian sent back to his own country by the injustice of the Transvaal Government will take with him an ineradicable sense of wrong, and it is odds if he becomes an agitator and foments dislike of the white man's rule. We know that the last thing the Transvaal Government wished to do was to add to the anxieties of the Imperial Government. Yet the fact is it is getting rid of its own share of the Asiatic problem in a manner which complicates and increases the Imperial Government's share. For this reason we consider the Registration Act *unwise as well as unjust.* We do not suppose that under pressure from India the British Government will bring pressure to bear on the Transvaal Government, demanding the revision of Asiatic legislation in that colony, or, perhaps (as some fear) the opening of our doors to the entrance of British Indians. The old country is exceedingly patient of the procedure of her colonies and leaves them

to their own way, even when her own interests are hurt thereby, nor does she absolve herself of the liability of defending them with her fleet at her own cost. All this the Transvaal Government recognizes. General Botha's Cabinet is personally the friends of the Imperial Government but yet, by means of its Asiatic measure, it is getting their friends into trouble. *Surely there was a better way?*

Having written thus much, let us suggest the proper alternative. This would have been to pass in the first place a law forbidding the future immigration of Asiatics, no matter under what pretexts. In the second place, it would have been proper to lay down rules to which all Asiatics in the Colony would have to conform as the condition of their continued residence therein. But if there were any Asiatics who preferred to leave rather than submit to these rules, and could prove that they suffered damage by leaving, they should receive liberal compensation. Suppose the whole Indian population of the Transvaal had asked the Government to buy it out, the cost would have been cheap compared to that of an Indian mutiny, and, perhaps the Imperial Government, as interested in a just solution of the difficulty, would have consented to share the cost. To some extent the Imperial Government is responsible as having made the case of the Indians in the Transvaal a pretext for the late war. Unquestionably, the Asiatic problem is one which a federated South Africa will have to take up as a whole. Natal is even more vitally interested than the Transvaal, since she cannot do without Indian labour. Her solution of the difficulty may be, as we have several times suggested, to mark off a portion of her territory as an Indian pale, within which all British Asiatics will have equal rights with Europeans, but outside which their presence will not be permitted in South Africa. We have the most perfect right to keep our country for ourselves and to decline to be ousted by alien races. We have no right to inflict insult or loss on individual members of those races.

[From Gujarati]
Indian Opinion, 2-11-1907

258. MEETING OF LONDON MUSLIMS

There is interesting news in the papers that Muslims in London are meeting to pass a resolution protesting against the new law. They comprise many communities and belong to different nations. They include Europeans, too. Their meeting cannot but have some effect. Our Muslim brethren should realize from this that they need to become more alert and carry on the Transvaal struggle with greater courage.

[From Gujarati]
Indian Opinion, 2-11-1907

259. JOHANNESBURG LETTER

Last Week

Only a few days of October are left. By the time this letter appears in print, the "Plague Office" will have left this place. Indians have remained strong at least up to the time of writing this. Except for the Memons and some Konkanis, everyone has maintained his spirit. I said "the Memons", but there is reason to hope that five or six Memons at Pietersburg and two or three at Piet Retief will partly save the honour of their community. As for the rest, even at places where there were only one or two who had kept back, they ran about feverishly, and showing little concern for the community, for their honour or for their pledge, filed affidavits, true or false, and made themselves safe by donning the prize-cloak of slavery, which makes them feel like princes. There is a proverb among us that when the sky itself goes to pieces, no mending is possible. When the President of Pietersburg himself chooses to become a slave and advises others to do likewise, whom among the Memons can we blame?

Then there is Mr. Hajee Cassim who has adopted a novel course. He felt that it would be a great sin to make an affidavit that he had not applied for the permit out of fear. He therefore wrote to General Smuts, saying that they had expected that some modifications would be made by him, and that, since that was not done, they now wished to register themselves, for which they sought the General's permission. General Smuts has not yet got enough slaves and he cannot do without them so, by way of favour, he has ordered that Mr. Hajee Cassim and his friends may be registered without an affidavit. That brings the chapter of the Memons to a close. It remains to be seen what happens to other Indians.

Hamidia Islamic Society

A meeting of the Society took place as usual. Moulvi Saheb Ahmed Mukhtiar made a speech that brought tears to the eyes of some. Citing many instances from the *Koran*, he showed that submission to the law would mean betrayal of their faith. Mr. Gandhi gave a brief account of his interview with the Police Commissioner and suggested that they should take the pickets off for one day so that the Government might be convinced [that no force was being used]. Speaking again, Moulvi Saheb suggested that one person should specially go to India to rouse the country. Mr. Coovadia stated that the police had taken the finger-prints of Mr. Saleji's Malay wife and their child of two years, and that

at Durban Mr. Burgess had torn off the permits of some Hindus. Mr. Omarji pointed out that in November the leaders should tour every village and explain the whole situation to the people.

Asiatic Eating-houses

The Municipality has framed Regulations for Indian and Kaffir eating-houses. These Regulations contained a clause requiring the nomination of European deputies in the event of the owners being absent. The British Indian Association has protested against this and has addressed the following letter to the Government:[1]

> My Association has noticed in the Municipal Minutes Bye-Laws with reference to Asiatic eating-houses, one clause of which requires the owners of these Asiatic eating-houses to appoint as their deputies white men only. A general notice, too, has been issued to owners of these eating-houses by the Municipality, informing them that "as it is probable that the nomination of a deputy will be required by the Committee in every case, applicants should forward to the undersigned, without delay, the name of such deputy." The notice shows that it is the intention of the Municipal Council to insist on a white deputy being appointed in each case.
>
> Asiatic eating-houses are very few in number, and both Mahomedans and Hindus would have religious objections to a European deputy having anything to do with their foodstuff. Moreover, these eating-houses have hardly more than ten customers on an average per day, and it is not possible for them to afford the expense of European or other deputies.
>
> In the humble opinion of my Association, the proposed Bye-Law will impose a very great hardship on the few Asiatic eating-house keepers. My Association, therefore, ventures to trust that sanction for the Bye-Law will be withheld.

There is reason to fear that this law will be passed. It means that Hindus and Muslims will be served by the whites. This is the utmost limit of oppression. I for one cannot help thinking that, if we accept defeat in our struggle against the new law, Indians will lose their religion and dignity and everything else.

Some Rumours

A rumour has been spread that Mr. Gandhi has got several leaders of Johannesburg registered in secret and that he has also registered himself. The reader can decide for himself what weight to attach to this rumour. They go to the extent of even saying that this has been encouraged by General Smuts. If that is so we can say that General Smuts, having grown nervous, is now clutching at a straw.

There is another rumour that General Smuts will definitely have all those without registers in December packed off by train. He has arranged with a Minister of Natal to have such persons carried by train

[1] What follows is the original English text reproduced from *Indian Opinion*, 2-11-1907.

to the Point and from there they will be directly forced into the steamer and deported to India. This story is without any foundation, for it is false. No law has been passed yet for forcible expulsion. Mr. Leonard has stated his opinion that there is no law in the Transvaal under which an Asiatic who does not take out a register can be expelled by force. Moreover, it should be realized that, if any such authority had been provided for in the obnoxious law, the Government would never have gone out of its way to include such a clause in the Immigration Bill. It is certain that the Government has no authority to use force for expulsion. Besides, who can force anyone into a steamer if he has the right to remain in Natal?

There is a third rumour that the majority of Indians in Johannesburg have already got themselves registered. Leaders from Ermilo, Klerksdorp and Potchefstroom have arrived here to inquire if this is true. They found the real situation to be quite encouraging. Except for Mr. Haloo, Mr. Mahomed Shahboodeen, Mr. Abdul Gafur and two or three others, no one in Johannesburg has got himself registered and, even from outside, only fifteen persons came to get their faces blackened. The leaders were quite reassured to find this.

Pretoria is Weak

The earlier fear that Pretoria was the weakest of all has now been justified. Mostly it is there that people have got themselves registered. Almost all Memons having been registered, other communities have also become restless. They are thinking what the remaining people should do. But one fails to understand what there is to think about. It should be enough for everyone that the law is bad and that we have taken an oath to resist it.

Regrettable Incident

The incident of Shahji Saheb's attack on Imam Kamali is yet fresh in memory. And now he has attacked Mr. Mahomed Shahboodeen. On Monday, at 10 o'clock in the morning Mr. Mahomed Shahboodeen was in the Market Square, when Shahji Saheb went up to him and rebuked and assaulted him for having got himself registered. One of his fingers was seriously injured. Some of the Jews who were present intervened; otherwise the injury would have been more serious. People have been very much upset by this. Everyone feels sorry. Mr. Essop Mia and Mr. Gandhi went to Mr. Shahboodeen to express their regret. Mr. Mahomed Shahboodeen does not intend to take out proceedings against Shahji Saheb. However, as soon as the Police Commissioner heard of this, he made enquiries. He has called for a statement from Mr. Shahboodeen which he has refused to submit. The leaders are remonstrating with Shahji Saheb. Everyone has felt sad at this incident.

I have stated more than once in these columns that, if any violence is used by the community in this struggle, we shall find it difficult to win. Use of force has no place in this struggle. Those who play on the piano[1] cannot be defended. There is no doubt that such persons are traitors. But they are to be won over by persuasion and argument. Even if they remain obstinate, we cannot afford to use force against them. It will do us much harm if we do so. No one can argue with Shahji Saheb. His is an exceptional case. But all Indians must realize that our object can be attained only by their acting with courage but never by violence. What will it matter if those who do not feel humiliated by the law get themselves registered? I at least believe that so long as the majority remain firm, no harm will have been done.

Some Questions

It has been asked whether, in the absence of the proprietor, the manager can get a licence or not. The question has been answered by the Supreme Court in the case of Rama Makan: the answer is that he can get the licence. There is another question, namely, whether it is necessary for Indians here to give a thumb-impression in a power of attorney. It is obvious that in this case the thumb-impression has to be given. All these questions have meaning for those who wish to submit to the law. Those who do not submit to the law will fight it by carrying on trade without a licence, and in the end will get the law repealed.

More Blacklegs

There have been some additions to the list given by me last time, which I publish here with regret:

[27 names] from Pretoria, [21] from Pietersburg, [12] from Potchefstroom, [4] from Middelburg, [5] from Johannesburg and [1 each] from Louis Trichardt, Zeerust, Mafeking and Christiana.

Letter to London Committee of Indian Congress

Sir William Wedderburn is Chairman of the British Committee of the Congress. Mr. Essop Mia and Emam Cadir have written[2] to him to request that the question of the new law should be taken up seriously at the next session of the Congress.

Brave Multani Merchant

The Star has published the following advertisement:

PASSIVE RESISTER (WON'T REGISTER) Unreserved sale of Maltese Lace, Teneriffe Goods, Japanese and Indian Silks, etc., etc.

This advertisement has been inserted by a brave Multani trader.

[1] A phrase sarcastically describing the act of giving finger-prints.

[2] *Vide* letters to Sir William Wedderburn, pp. 319 and 323-4.

He prefers imprisonment to registration. He has taken this step to wind up his business and hold himself ready for anything that the Government may do.

OFFICERS' DESPERATE EFFORTS

The officers are now reduced to making such desperate efforts to secure applications that their conduct becomes ridiculous. One instance of this is provided by the case of two Chinese pickets arrested last week. It was stated in evidence before the court that one police constable (acting as a tool in the hands of the Registration Officer) had abused a Chinese picket on two different occasions, and that he had also tried to manhandle him. The magistrate acquitted the accused, and set them free. As a result of the conduct of the whites and the courage of the Chinese as revealed in this case, many whites found themselves being drawn in their hearts to the side of the passive resisters.

[From Gujarati]

Indian Opinion, 2-11-1907

260. LETTER TO INDIAN NATIONAL CONGRESS

JOHANNESBURG,
November 4, 1907

[SHRI RASH BEHARI GHOSH
PRESIDENT-ELECT[1]
INDIAN NATIONAL CONGRESS
SIR,]

I beg to draw your attention and that of the Congress to the present critical position of British Indians in the Transvaal in connection with the Asiatic Registration Act. British Indians have been informed that the last day for receiving applications for registration under that obnoxious measure is the 30th instant, whereafter the Government will not entertain applications for registration, except in special cases. You will, probably, already have learnt that, with the exception of a very small section of the community, practically the entire Indian population has refused to register under the new law. My Association claims that, to date, there have not been more than 350 applications for registration out of a total of 13,000 permit-holders. From this you will be able to gauge the intensity of the feeling in this matter.

You will have learnt that our method of endeavouring to redress the wrong that has been done us is that of passive resistance. We have

[1] Of the 23rd session of the Indian National Congress held at Surat in 1907

resolved to suffer all the consequences of a breach of the law. Many of us have already lost heavily, many more stand to lose everything they possess. Several European wholesale houses have even gone so far as to stop credit unless Indian merchants can produce registration certificates issued under the new law. Many Indians employed as servants or labourers have accepted dismissal at the hands of their employers rather than register themselves.

As you will be well aware, the British Indian community in the Transvaal is composed of Mahomedans, Hindus, Christians and Parsis; Madrassis, Gujaratis, Sikhs, Pathans, Hindi men, and men from Calcutta, all of whom have combined in the great work of resisting an iniquitous law which threatens to rob every Indian of his material wealth and to destroy that self-respect which he has snatched from the ruin with which he has been threatened by previous oppressive legislation.

My Association approaches the Congress at this moment in the hope that the Transvaal Registration Act will be put in the forefront of the subjects to be dealt with by the Congress and made the main plank of its platform as distinguished from the general South African question. Today, there is no other South African question than the awful position of the British Indians in the Transvaal. What happens to us today will happen to our brethren everywhere in South Africa tomorrow. Nay, we consider that ours is a question of first-class importance to the Empire and of national importance to India; for what the South African Colonies succeed in enforcing against us here, other dominions of the Empire will practise against our brethren elsewhere. It may be said that we are adopting heroic measures in order to meet a special difficulty in the Transvaal; but we regard ourselves as the representatives, in this country, of our Motherland, and it is impossible for us, as patriotic Indians, to keep silence under an insult that is levied against our race and our national honour. No other legislation in South Africa has attacked us so fiercely on these points, but the Transvaal Asiatic Registration Act is intolerable. All other South African legislations deprive us, as a rule, of the avenues to wealth. The Transvaal Registration Act deprives us of our manhood and reduces us to the status of slavery. By the end of December, probably many Indians may have even suffered imprisonment for a principle, whilst the 1st of January will witness a general refusal to issue trade licences to Indians who have refused to register under the new law, so that a very acute stage will have been reached by the time the Congress meets. We hold that our movement of passive resistance merits the approval of all religious men, of all true patriots, of all men of commonsense and integrity. It is a movement so potent as to compel the respect of our adversaries by virtue of our very non-resistance, of our willingness to suffer; and we are the more firm in our determination to offer this opposition, because we consider

that our example, on a small scale in this Colony, whether successful or unsuccessful, may well be adopted by every oppressed people, by every oppressed individual, as being a more reliable and more honourable instrument for securing the redress of wrongs than any which has heretofore been adopted.

[*I have etc.*,
ESSOP ISMAIL MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION]

Indian Opinion, 9-11-1907

261. LETTER TO THE PRESS[1]

[JOHANNESBURG,
November 6, 1907]

[SIR,]

You publish in today's issue of your paper what purports to be an authorised explanation given to your Pretoria correspondent of the present position of the Government in regard to the administration of the Asiatic Law Amendment Act. My Association regrets to find, however, that that report is so strangely full of misapprehensions and misstatements, that a doubt must arise as to whether your representative has not failed to grasp the details of the apologia that has been issued from the Colonial Secretary's Office. With your permission, I will, on behalf of my Association, proceed to examine certain facts alleged therein.

In the first place, it is stated that representations have been addressed to the Colonial Secretary on behalf of the Indian community with a view to obtaining certain modifications of the regulations. My Association denies the statement absolutely. The facts are these : On the 30th August, a petition was addressed by Messrs Stegmann, Esselen & Roos, on behalf of "some leading Indian people of Pretoria, Standerton, Pietersburg, and Middelburg", to the Honourable the Colonial Secretary to secure some modification of the regulations. The intention of Messrs Stegmann, Esselen & Roos' clients was to show that they spoke for quite a number of representative Indians, and immediately these facts became known to my Association, my Association addressed a letter to the Pretoria solicitors, repudiating the right of these people to speak on behalf of the Indian community and, therefore, of my Association. The wording of the letter which I have quoted above suffices to show that the representations made to the Government were made on behalf of certain

[1] This was addressed to *The Transvaal Leader* and *The Star*.

individuals acting in their private capacity, and most of whom are now registered. In reply to these representations, the Honourable the Colonial Secretary informed his petitioners that he was unable to comply with their requests but made some trifling modifications of practically no value. The persons on whose behalf the Pretoria solicitors acted were so dissatisfied with this reply, that they returned, through Messrs Stegmann, Esselen & Roos, an answer to the effect that they desired to withdraw their request as set forth in their letter of the 30th August, leaving the Honourable the Colonial Secretary at liberty to withdraw such concessions as he might have been able to make. It will thus be seen that the Indian community made no representations to the Honourable the Colonial Secretary in the matter of the regulations, but that whatever representations were made came from certain individuals, who have since withdrawn their request, the letter of withdrawal being dated the 12th ultimo.

May I be allowed to say here, on behalf of my Association, that it is utterly false to allege that it is only now that the British Indian community has taken up a position which it did not venture to take up during the earlier stages of the agitation? The Colonial Secretary's Department must be singularly ill-informed, if it is unaware of the fact that passive resistance to the law has existed since September, 1906. The oath of passive resistance was taken at the Mass Meeting held in Johannesburg in that month, at which the Registrar of Asiatics himself was present. My Association has consistently declined to enter at all into the question of regulations framed under the Act. Having from the first declined to recognise the validity of the Act itself, it would have been undignified in the extreme had my Association entered into minor details. My Association, having ignored the existence of these regulations, cannot by any stretch of imagination be said to have repudiated the modifications alleged to have been made in favour of British Indians by the Honourable the Colonial Secretary at the alleged request of the community. It is a mistake altogether to suppose that the passive resistance movement entered into by my Association and by the Indian community commenced in July last when registration was announced. The total repeal of the Act has been demanded from the very commencement of the struggle last year.

A side issue has been raised in connection with the petition recently forwarded by my Association to the Honourable the Colonial Secretary. This petition sets forth, amongst other things, that the signatories thereto dissociate themselves entirely from the letter addressed to the Honourable the Colonial Secretary by Messrs Stegmann, Esselen & Roos on behalf of their clients; and the signatories respectfully submitted that nothing short of a total repeal of the Act could meet the difficult situation that had been created. There was nothing new in this. The official

informant of your correspondent would make it appear that, consequent upon the Honourable the Colonial Secretary's slight modifications of the regulations which were contained in a letter forwarded about the end of September last, the Indian community took advantage of an alleged act of leniency to circulate the petition in order to take further advantage of what will doubtless have been considered to be an act of grace. In point of fact, immediately that it was known to my Association that Messrs Stegmann, Esselen & Roos' letter of the 30th August had been dispatched to the Colonial Secretary, my Association issued forms of the petition in five different languages and circulated these all over the Colony. This was at the beginning of September. By the end of September, when the Honourable the Colonial Secretary's reply was received by the Pretoria solicitors, practically all these forms had been returned to my Association duly completed. As, however, Johannesburg was to be the last place where registrations were to be effected and October was to be [the] last month for effecting them, my Association decided to hold over the petition until the end of last month, in order to demonstrate to the Government the solidity of the British Indian community in its opposition to the Asiatic Law Amendment Act, and this notwithstanding the withdrawal of their letter of Messrs Stegmann, Esselen & Roos' clients on the 12th ultimo.

I will now pass briefly to the question of the extension of the period of registration to the end of November. My Association asserts emphatically that this decision has taken place at the last moment, and the statements made by no less than three Cabinet Ministers support my Association's contention. If any further confirmation be needed, it will be found in a circular issued to Resident Magistrates throughout the Colony from the Colonial Secretary's Office on the 16th ultimo and signed by the Registrar of Asiatics, stating that Resident Magistrates should inform Asiatics that "it has been decided that the period for applications for registration, which expires on the 31st instant, cannot be extended", and that all Asiatics resident in the different districts should be instructed to apply for registration on or before that day at the Old Dutch Church, Von Brandis Square, Johannesburg. There is no questioning the definiteness of these instructions, and it is quite obvious that the Hon. the Colonial Secretary, finding that the number of applications made at Johannesburg from the whole [of the] Transvaal did not exceed 25, decided, at the last moment, to extend the time for another month. It will thus be seen that Government Notice No. 1907 published in the *Gazette* of the 4th ultimo made no provision whatever for an extension of time during which Asiatics who had not previously registered could make application under the new law.

One last matter to which my Association desires to draw attention is that, so far from each town having the time marked out for Asiatics

resident therein alone to make application, it was advertised that all Asiatics in towns previously visited by the Registration Officers could make application at the town newly advertised, if they had not previously done so, and, whilst Johannesburg was the last place advertised where Asiatics from all over the Transvaal should register and nowhere else, my Association charges the officials of the Registrar's Office with receiving clandestine applications at Pretoria from a few cowards who furnished affidavits fraudulently and falsely representing that they had been prevented from making application before owing to intimidation on the part of certain unnamed persons. My Association desires to make it known once more that, in this struggle, British Indians are fighting with open hands. There is no need for them to resort to subterfuge or mendacity. It has been urged against British Indians that they, like all other Eastern peoples, suffer from a duplicity that has been termed "oriental". It is difficult indeed to characterise the strange distortion of facts contained in your correspondent's telegram.

[*I am, etc.*,
ESSOP ISMAIL MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION]

Indian Opinion, 9-11-1907

262. *MR. LABISTOUR*

Mr. Labistour's sad disappearance from our midst leaves Natal the poorer on that account. The Natal Bar has lost in him a clever and genial member, the Government a faithful servant, and Indians a true friend. The tribute paid by the Bench was well deserved. The Indians cannot but recall with gratitude the brave stand Mr. Labistour took up regarding the Dealers' Licenses Act, when he was a Town Councillor.[1] And it may be added that, though the public are not aware of it, it was Mr. Labistour who, whilst he was firm in his policy as to regulation of Indian immigration, by his tactfulness saved many an Indian trader from ruin by declining to prosecute those Indians who, although they were old traders, were by reason of trade jealousy deprived of their licences.

Indian Opinion, 9-11-1907

[1] *Vide* Vol. III, pp. 32 and 443.

263. "ID" GREETINGS

We offer *Id* greetings to our Muslim readers. Man hopes for many things, but he cannot get everything he wants. In like manner, though we wish a happy *Id* to all our Muslim brethren, so far as we know, it is the divine law that the *Id* will bring prosperity only to those who have observed the Ramzan month properly. We have gathered that merely keeping the fast cannot be considered sufficient for a proper observance of the Ramzan. The fast is a discipline of the mind as well as of the body. That means that, if not all through the year, at least during the Ramzan month, all the rules of morality should be fully obeyed, truth practised and every trace of anger suppressed. We assume that our greetings will bear fruit particularly in the case of those who have done all this.

[From Gujarati]

Indian Opinion, 9-11-1907

264. HAPPY NEW YEAR

Just as we wish a happy *Id* to our Muslim brethren, we also wish that the New Year may bring prosperity to our Hindu readers. This is our first issue after the New Year Day. We observe that in the Transvaal, in fact in the whole of South Africa, Indians suffer many hardships. As their spirit of patriotism has grown stronger in consequence of these hardships, they have come to pay more attention to their country, and to some extent their thoughts are also running in the direction of religion.

The Hindu is seen to be more deeply absorbed in Hindu religion, and likewise the Muslim in Islam, and other Indians in their own religions, which is the only right thing. It is our firm belief that, if India is to prosper, it can only be along this path. If the people of different religions grasp the real significance of their own religion, they will never hate the people of any religion other than their own. As Jalaluddin Rumi has said, or as Shri Krishna said to Arjun, there are many rivers, and they appear different from one another, but they all meet in the ocean. In the same manner, there may be many religions, but the true aim of all is the same, and that is to help one to see *Khuda* or *Ishvar*. Hence, if we look to the aim, there is no difference among religions. We said above that the New Year might bring prosperity to the Hindus. But just as it is obvious that the *Id* will bring

prosperity only if a certain condition is fulfilled, so also can the New Year benefit a man only when a particular condition is satisfied. After saying all this, there is no need to point out what those conditions are.

[From Gujarati]

Indian Opinion, 9-11-1907

265. *A WORD TO THE WISE*

There is a proverb among us that a word to the wise is enough. The signs that we see on every side indicate that, if we fight to the last, we shall win. Even today we have as good as won. But we shall succeed in being able to live in the Transvaal with honour. We saw the comments of *The Friend*.[1] We know that the time-limit has been extended to cover November. This shows the weakness of the Government. Those whites who rarely referred to the Indian question now talk only about that. A journal like *The Leader* warns the Government that it should exercise patience, bear in mind British principles, realize its responsibility and do justice to Indians.

While, on the one hand, we see these encouraging signs, on the other, the time is approaching for a real test of Indians. It is said that we are only clever at talking. It is also charged against us that we show all our enthusiasm in the beginning. It now remains to be seen how we behave at the critical moment. If we do not exert ourselves to the utmost during the last stage, all that we have done so far will have been in vain. The struggle that has offered itself to the Indians, unasked, will not come again. If we fail to take advantage of such a rare opportunity,[2] we shall never get it again in future. The struggle both does and does not involve a risk. Those who cling to money will naturally see a risk. But those who are servants of the country, who are true to their word, will not see the slightest risk. The law does not exist for such persons. They will not have been defeated just because the law is not repealed in spite of their fighting it. They will prove their worth a hundred per cent. They will enjoy the same esteem wherever they go. Unless we maintain such a spirit, there can be no success. They alone who go out to fight, determined to stake everything, return victorious. In this struggle, the real source of strength is *Khuda—Ishvar*. No one can make any conditions with Him. We cannot place trust

[1] *Vide* "*The Friend* of Bloemfontein Once Again to Succour of Transvaal Indians", pp. 325-7.

[2] The Gujarati proverb used by Gandhiji refers to the foolishness of a person going away to wash his face when Lakshmi (the Goddess of wealth) approaches him to place the auspicious red mark on his forehead as a token of her favour.

[in Him] conditionally. We pray to God that the Indian community may fully realize this and remain true to its word till the end.

[From Gujarati]
Indian Opinion, 9-11-1907

266. EXTENSION OF TIME-LIMIT

Why has the Transvaal Government extended the time-limit for playing on the piano? The *Government Gazette* itself contains the answer to this question. It has been reported to the Government that Indians have not been able to apply for registration because of fear and for other reasons. That is why the time-limit has been extended. What can we say to an Indian making such a petition to the Government? Can he be called an Indian? Can he be called a man? Those who have made the application know that they have stated a big lie in it. No one uses threats. If threats were used in the past, have they stopped now? Pickets will continue to do their work. Those who have been pleading with the people will go on doing so. If anyone was deterred by fear in October, how will he be able to go [to the Permit Office] in November? If an extension of time-limit was desired, it could have been asked for in a straightforward manner. Even if the time-limit were not extended, those who wished to blacken their faces could have done so. However, it is useless to argue about this. One crime always leads to another. Once there is a breach in the embankment of a reservoir of water, it goes on increasing in size. Everyone who applies for registration knows that it is a crime to do so. Hence he is not ashamed or afraid of committing other crimes. Such is the degradation of those who submit to the obnoxious law.

[From Gujarati]
Indian Opinion, 9-11-1907

267. JOHANNESBURG LETTER

Hamidia Islamic Society

As usual, a meeting of the Hamidia Islamic Society took place on Sunday. Quite a large number of people were present. Mr. Emam Abdool Cadir was in the chair. Mr. Mahomed Khan read out the letter from Mr. Hajee Habib. It was on behalf of the Anjuman at Pretoria and offered congratulations to the Society on its work and to the pickets on their courage. Then Messrs Gandhi, Omarji Sale and M. S. Coovadia explained a few points. The meeting considered a suggestion that everyone should write to his friends all over the Colony that no

one should go to Pretoria during November and that, if at all it was necessary to visit it on business, none should go to the Permit Office in any case; the suggestion was accepted by all.

Meeting of Chinese

The Chinese hold their meeting every Sunday. This time the Chinese Consul was present. Mr. Gandhi was specially invited. He explained what had happened in November, and the meeting decided to post Chinese pickets in Pretoria.

"Plague" in November

We saw in *Indian Opinion* of last week that the people's fear that the "plague" in the form of the Permit Office might continue in November was justified. The Government has thus, by keeping the Office open, unmistakably admitted its weakness. If General Smuts had the strength to deport Indians, he would never have extended the time-limit so as to allow applications for registration to be made in November. What has happened to the notice given in October that no one would be registered after the 31st of that month? What has happened to the intimation sent everywhere that October gave the last opportunity to apply? We are asked—persuaded—to believe that General Smuts never yields. But the editor [of *Indian Opinion*] has proved to us that General Smuts has yielded under pressure on three points. The extension of time-limit beyond October is the fourth point on which he has yielded. Someone may ask what there was for General Smuts to be afraid of on this occasion. The answer to this question is quite simple. The Imperial Government must have impressed upon him confidentially that he would not be able to touch any Indian. If this inference is not correct, General Smuts must have been afraid of loss of prestige. An elephant must think a hundred times before trampling upon an ant. General Smuts believes himself to be an elephant, and we are the ants. Hence he feels ashamed to trample upon ants.

Another Instance of Weakness

I referred last week to a widespread rumour to the effect that Mr. Gandhi would be the first to be attacked, and that preparations were going on to deport everyone. I have now with me a letter bearing on this question.

Cachalia's Conversation with Roos

Mr. Cachalia writes as under:

I had a talk with Mr. Roos, in the course of which he informed me that the Natal Government had agreed that, when people were

deported from the Transvaal, they would be put on steamers directly from the train at the Point, as arranged by the Transvaal Government. It was especially emphasized that the Government had already made the decision in any case to deport Mr. Gandhi.

Who would be more fortunate than Mr. Gandhi if he should be the first to be deported? If that happens, the Indian community will only feel a fresh accession of courage rather than get demoralized. But so far the Transvaal has not acquired any such authority for deporting anyone, and it will be some time before it gets it. It is obvious that the words of Mr. Roos only reflect the Government's desperation.

What is Difference between Prisoner and Person Accepting Title-deed of Slavery?

It is reported that papers with eighteen finger-prints do not remain in the Registrar's Office, but are handed over to the police. The book which maintains the record of criminals will also maintain the record of these "brave" Indians. Hence, those who submit to the law come to be treated as criminals in every way. The only difference is that, while the thief comes to be treated as a criminal for stealing something, the Indian who takes out the title-deed of slavery allows himself to be treated as a criminal just out of cowardice. Which of the two is worse off may be decided by the reader himself. As we think of the eighteen finger-prints, we remember a poem that we learnt in our childhood. All the eighteen limbs of the camel are crooked and bent; how can they ever be kept hidden? The Indian who gives eighteen finger-prints appears to be reduced to a similar plight.

Without any Fuss

In India, when the rains are heavy, the prices of vegetables go down. Similarly, the Registrar's Office is having heavy rains, with the result that the Registrar's price has fallen. It is said that the Registrar issues registers to children without asking any questions. I see nothing wrong in this. Nowhere else is it difficult to take out a title-deed of slavery. But we must note that all this is a net to catch the prey with, and we must keep away from it. There should be no need to make any such comment. But I sometimes hear it said: Mr. So-and-so has served himself well, having managed to get himself registered. Such a thought will occur only to a person who does not understand the law and our struggle against it. If it is to our advantage to get ourselves registered under the law, then our struggle is unjustified, and it should be our duty to take out the registers. Getting oneself registered is harmful; it is sinful; it is to be shunned in obedience to our oath. That is why we do not get ourselves registered. How then can we say that one has served oneself

well by getting oneself registered? We are fighting to become men and to live as men. If someone should behave as a woman, why should we regard it as "serving himself well"? We should keep a firm hold of the idea that those who have not registered themselves are free and will remain free; they will continue in the Transvaal only if they can do so with honour. On the contrary, those who have got themselves registered have accepted permanent slavery.

"The Transvaal Leader" to Our Aid

There are indications that the newspapers in the Transvaal will come to our aid just as *The Friend* from Bloemfontein has done. There are many whites who even show their sympathy. Whether the newspapers come to our aid or not, the comments of the *Leader* in its issue of Monday should give us courage. I summarize them below:[1]

How?

The Government, in compliance with the requests of certain Asiatics, has extended the period of registration by a month. It is not known on what lines the Government intends to proceed at the end of that time. The decision to extend the period must have been taken at a late stage, since, only on the previous day, Mr. Solomon had scouted the notion of anything of the sort being done. Was nothing known of these requests for extension until the eleventh hour? Were the requests forwarded in a body on Friday? If the Government has received any acknowledgments of its action in extending the period from any of the leaders of the Asiatics, it will be wise to publish their names, so as to influence the others. As far as the public knows, there is no hint of such acknowledgment, and no modification of attitude on the part of the leading personalities. On the contrary, they assert that there is no power of deportation which can be applied against them, and in support of their view they quote the opinion of Mr. Leonard.

Even an intelligent person like Sir Raymond West holds that the law is contrary to British principles. But there remain the powers conferred by the Immigration Act. Is it beyond doubt that action taken under that Act will be unchallenged by Indians before the Privy Council? If the Government possess the power of deportation and decide to exercise it, it must deport them to the country of their origin. Will not the Government of India intervene in that case? Practically every public man with the exception of Mr. Hosken seems to be opposed to the Indians. But, looking at the question more closely, we find that the public refrains from taking an obvious way of driving the Asiatics out, namely, by not supporting them; that there is no harassment of Asiatic

[1] The translation given here has been collated with the original in English.

servants by employers; and that there are no signs that the white population in general is opposed to the Indians. The onlooker is not immediately successful in reconciling all these facts and statements. The position bristles with difficulties, and if it be necessary to consider it afresh, it is hardly necessary to say that it is the duty of all leaders to deal with it from a non-party standpoint. General Smuts and Mr. Gandhi are called upon to deal with a very complex question. Facilities of travel and other features of what we regard as civilisation have profoundly changed the relationships of East and West. The Asiatic, who formerly never dreamed of going abroad, has started doing so. He is thrifty, courteous and economical to a point the European apparently cannot attain to. We go into his countries but in dozens for his thousands; and where he can, he stops the dozens. Indeed, it is admitted by the Asiatic himself that the Transvaal is not to be called upon to permit an unchecked irruption. It is the general profession of our European population that they wish to deal fairly by the Asiatics who are already here. All that is at issue is the method. The Asiatics protest that the method adopted by the Government is unfair and degrading. Has the Government considered every alternative method? Will not photographs, signatures, etc., prove effective? Has it taken counsel with those who know the Indian character? If it needs assistance at any point, we feel certain that quite a large number of men will render it. If any steps have to be retraced, it is to be hoped that no unworthy consideration will deter the Government from doing so. The Europeans of the Colony want to prevent further Asiatic inroads, but also wish to bear in mind our responsibilities as a State of the Empire and above all the traditions common to all our nationalities, which will make intensely repugnant to us, and in the end defeat, any policy lacking justice or even chivalry towards a weak and inoffensive people.

This excellent account contains only one error, namely, that the writer has taken for granted that our fight is only with regard to fingerprints. That error does not matter much. That a journal like the *Leader* advises the Government to retrace its steps and do justice indicates that the ship is about to change the direction. The only question is whether the Indians will exert themselves now as much as they must.

Warning to Barbers

The Johannesburg Municipality has decided to make regulations for barbers; since the regulations are likely to be passed, I summarize them below:

1. The barber should keep his saloon perfectly clean and arrange for proper ventilation in it.
2. The clippers, scissors, razors, combs, brushes, etc., should always be kept clean.

3. While shaving or giving a hair-cut, the barber should put on a robe reaching up to the neck. He should have his hands properly washed.

4. In case a barber or any of his assistants suffers from a skin disease or any other contagious disease, he should not shave anyone or give anyone a hair-cut.

5. After January 1, every barber's saloon should be registered. It will be registered by the Council without any fee.

6. A sanitary inspector or physician is entitled to enter any saloon.

A copy of these regulations should be displayed in every saloon. The Council has made the following recommendations:

1. Every shelf or table should be covered with glass, marble slab, slate or tin sheet.

2. A fresh towel should be used for every customer and the neck-rest should be covered every time with a fresh napkin or piece of paper.

3. Two brushes should be kept for use in shaving each one being placed in a disinfectant solution and then taken out for use by turns.

4. Soap water, soap powder or a soap stick should be used.

5. The razor should be wiped on clean paper. After use, the razor and other instruments should be kept in a disinfectant solution for four or five minutes. The disinfectant solution should be made by mixing two teaspoonfuls of Celive[1] or Carol[1] in a quart of water or three teaspoonfuls of Eusol[1] in an equal quantity of water.

6. After shave, instead of an alum stick, a water spray should be used or clean cotton soaked in water.

7. A sponge should not be used at all. Cotton or some such thing should be used in its place.

8. Cotton should be used instead of rags for powdering.

9. The hair-brush should be white, and it should be washed once every day with water, soap and soda bicarb.

10. When giving a close hair-cut, the hair dropping on the neck should not be blown off by the mouth, but an air-propeller should be used.

11. The bits of hair fallen on the ground should be collected into a covered utensil instead of being swept into a corner.

The regulations and suggestions given above should be noted by every barber. It is not merely that anyone ignoring the regulations will be fined; it should be admitted that it is the duty of the barber to observe such cleanliness. In India, owing to the carelessness of barbers or their lack of cleanliness, people get infected with eczema, scabies, etc. It will be of advantage to the barbers to observe the regulations given

[1] These appear to be trade names of disinfectants.

above; they will then be regarded to have received an education that is real and useful. All this requires no expenditure, one has only to be keen on it.

Official Explanation

The Government has given an explanation why the timc-limit was extended to November. The explanation itself proves the Government's guilt. If it had not felt concerned, where was the need to extend the time-limit to November? The Government has given the reason that, since there was no other work in November, a favour was done to the Asiatics [by extending the time-limit]. This is pointless. For, the Government knew that there were to be no arrests in November. Moreover, if what the Government says is true, why were police constables sent to every house? It is also to be noticed that the Government has now stopped talking about the application by Indians. This absurd explanation is intended to answer the criticism in the *Leader*. The *Leader* had asked for the names of the leading men who had made the application. But there are no such names. How, then, can they be supplied by the Government? The Government concludes the explanation by saying that the Act will definitely be enforced from December onwards. How often will it give this warning? Like the shepherds [in the fable], the Indian community has stopped being afraid of the all-too-frequent cry of "tiger". It is true that, when the real tiger came, no one believed it. But there will be no need to be afraid even when the Government-tiger does in fact come. For, the Indian community has torn to pieces and devoured the tiger in the form of imprisonment or deportation. Let the Government-tiger come as often as it wants.

Whites are Yielding

The *Rand Daily Mail* reports that it was made emphatically clear by Mr. Gandhi and other Indians at the time of the mass meeting in Pretoria that the Indian community would never agree to give finger-prints. This fact should add to the courage of Indians; for, both the Government and the whites are now seriously considering how this knotty question can be resolved, and hence they are trying to understand what we want. Though we have expressed strong resentment at having to give finger-prints, and the compulsion to give finger-prints has given an impetus to our struggle, we must all emphasize, while talking to everyone, that this struggle is not about giving or not giving finger-prints but that it is a struggle for the honour and dignity of the Indian community. The Government wants to knock us down, and we do not want to be knocked down. It has passed a law to enslave us, and we shall not submit to it so long as we are alive; such is the meaning of this struggle.

REGRET AT PIETERSBURG

Mr. Gani Ismail and Mr. Hasan Mahomed Kala write from Pietersburg that both of them feel extremely sorry for having made the application for new registers in Johannesburg, that their remorse knows no bounds, and that the thought of their plight when the law comes into force gives them a stab in the heart. These are the words that both these Indians have used. Besides, they say that they have got only the receipt, but not the title-deed of slavery. They want to know if there is any way of withdrawing the application. If they really wish to do so, I can tell both the gentlemen that it is a very simple matter. Just as Mr. Chang Tong (a registered Chinese) had flung back the register issued to him, so also should the application that has been made be withdrawn. If one does not wish to accept the deadly register, there is a very simple way [of rejecting it]. To get the register, they will have to travel again to Pretoria, and give a thumb-impression on the register. The two gentlemen can refuse to do either of these things. They will then remain free. They are not bound to go to receive the register. If they do not go, they will as a matter of course remain without the title-deed of slavery. I very much hope that their remorse is real, and not merely a superficial boiling-over. If it is in fact real, other Indians, too, will take courage from it. I advise both of them to remember the example of Mr. Sheikh Mahomed Essak.[1]

COWARD'S FRIENDSHIP IS HARMFUL

I hear that, in July, Mr. Ismail Hajee Amad Kodtha had sent telegrams to the Memons from Mafeking to remain firm and not to submit to disgrace, and encouraged them to be bold. The same gentleman went to Pretoria and, having taken out the title-deed of slavery, attained immortality in this paper. If such a braggart goes on sending brave telegrams, who will be inspired by such telegrams, and how? This instance deserves to be noted by every Indian in the mofussil areas. One must always keep in mind what Mr. Ali Khamisa used to say before he became a slave. Whenever anyone from outside Pretoria advised us to have courage, Mr. Khamisa would quote the sentence: "Those who are not involved in the struggle, pose to be brave people." Persons sending telegrams from Durban should learn this proverb by heart: let them take care that *clay*[2] does not turn into dust.

[1] *Vide* "Johannesburg Letter", p. 243.

[2] Here a pun has been made on a Gujarati word which means clay or earth and also a brave man.

Strong Reply by Essop Mia

Mr. Essop Mia has written a strong letter to the *Leader* and *The Star* in connection with General Smuts' explanation. I shall give a translation of it next week. He has proved in it that the lies of the Government have exceeded all limits.

Served Right!

From among those who had applied for the title-deed of slavery in Johannesburg, one Konkani and one Madrasi have already received notices to leave the country.

Sentence of Imprisonment on Dayalji and Appeal against It

There was a case against Dayalji Pragji Desai for assaulting Govind in which judgment has now been given by the magistrate of the court at Pretoria. Mr. Desai has been sentenced to four months' imprisonment with hard labour. He has filed an appeal against it.

Blacklegs

Names of persons registered up to Saturday last: [30] from Pretoria, [16] from Pietersburg, [3] from Louis Trichardt, [3] from Middelburg, [4] from Potchefstroom, [5] from Standerton, and [1] from Johannesburg.

Pitiable Case

A Portuguese Indian, named Miranda, was found to have been without a permit and ordered to leave the Transvaal before October 10. The period of notice having expired, he was again produced in court last Saturday. The accused stated that he had no money for leaving the Transvaal and so he could not go away. The magistrate held him guilty and sentenced him to one month's rigorous imprisonment, and told him to leave the Transvaal within seven days of his coming out of gaol, failing which, he was theatened with a further sentence of six months' rigorous imprisonment. This is indeed a pitiable case. Now, he should defy the Government and go to gaol again and again. Then alone will the Government come to its senses. Needless to say that, if we do not defeat the Government by remaining firm in this struggle till the end, the Indians in the Transvaal will be doomed for ever to such hardships.

[From Gujarati]

Indian Opinion, 9-11-1907

268. LETTER TO "THE TRANSVAAL LEADER"

The *Leader* of Johannesburg has published the following letter from Mr. Gandhi:[1]

Sir,

In your leading article, in today's issue, on the Asiatic Registration Act, you have imputed to the British Indian Association a statement to the effect that nearly the whole of the four hundred men said to have been registered had no right to be in the Transvaal. I am not aware of any such statement having been made by any official of the Association. I know that some of our pickets did make some such statement, but that was mere bravado. The chief picket, Mr. Naidoo, immediately corrected it, but the correction did not appear in your report. The official statement made by the Association is that four men at least who, according to the interpretation of the law put upon it by the Government, have no right to be in the country have applied for and probably received registration certificates. The Association does not even consider these men to be not entitled to their certificates.

If the Government keep the Office open for receiving applications, I must respectfully decline to consider it as a graceful concession, as it would be, in the opinion of the majority of Indians, a confession of weakness on the part of the Government. The British Indian Association, in all humility and in obedience to a higher call, has challenged the Government to do its worst. We do not require the registration pin-pricks. It has been stated that the pickets kept Indians away from the plague-spot; (and that was the reason why the time-limit was extended;) the pickets, however, will continue to exercise the same vigilance in Pretoria also.

You ask what can be gained by the Indian opposition in the teeth of General Smuts' threat and the refusal of intervention by the Imperial Government. So far as I am aware, in the last resort, Indians have not pinned their faith either to intervention from the Imperial Government or to recognition of the principles of humanity by General Smuts. Though the effort now being made by the Indian community is undoubtedly calculated, if successful, to give them a status in the Colony, they are fully aware that they may lose their all in the struggle. But, if that happens, which I do not believe, Indians will shine with a new light, like gold tested in fire, which will be a gain in itself. As between that

[1] For the original letter in English, *vide* "Letter to *The Transvaal Leader*", pp. 322-3, with which the translation given here has been collated.

gain and all that General Smuts and his Act can give to the Indian community, I have no hesitation in asking my countrymen to prefer the former at all costs. You will then see that the sanctioning of the Immigration Restriction Bill or any other harsher measure will not turn the community from the straight and narrow path. If it does, and I do not say that it will not, then every Indian knows that there is a precipice on either side.

The following is the substance of the article in the *Leader* of November 1:

> Though October is over, only about 400 persons out of a total of 8,000 have registered. According to the British Indian Association, nearly the whole of this 400 are men who have no right to be in the Transvaal. There are 1,100 Chinese in the Transvaal, out of whom only two have registered, and these two are also half-caste. The Government is quite firm in spite of such a large number of persons having refused to register. In view of the difficulties in the way of registration, such as intimidation by pickets, it was both wise and kind to have extended the time-limit. Since, rightly or wrongly, the Act is on the Statute-book, we think it will be better if the Indians submit to it. In view of the Prime Minister's reply in Parliament refusing to intervene, and the known attitude of General Smuts on the question, what does the Indian community expect to gain by continuing its resistance?

[From Gujarati]
Indian Opinion, 9-11-1907

269. *LETTER TO GENERAL SMUTS*

The monster petition, along with the forms containing the signatures, has been dispatched to the Colonial Secretary, with a forwarding letter by the Chairman of the British Indian Association, Mr. Essop Mia, a summary of which was reproduced under "Late News" in the last issue. We now give the letter in full:[1]

Sir,

I have the honour to forward, by parcel post, the petition of the British Indians throughout the Transvaal, in connection with the Asiatic Registration Act, and herewith a copy of the instructions issued to the canvassers.

[1] For the original letter in English, *vide* "Letter to Colonial Secretary", pp. 320-1. It is reproduced here with some changes needed to bring the text into conformity with the Gujarati version.

When the forms were distributed through the Colony, the letter addressed to the Government on behalf of certain Indians, asking for a modification of the regulations framed under the Act, was still unanswered and the letter not withdrawn. But though since then Messrs Stegmann, Esselen and Roos' clients have not received a reply to their satisfaction, and although they have therefore withdrawn the letter, the committee of my Association desires me to forward the petition, as it embodies the sentiments of those who have signed it. In the humble opinion of my Association, the petition forms a complete vindication of the attitude adopted by it, and shows that it is representative of the vast majority of Indians in the Colony. The petition has been ready for some time, but my Association delayed its presentation, in order to test the action of the community during the period that the Registration Office remained open in Johannesburg.

There are 4,522 signatories to the petition, and they are drawn from 29 towns, villages and districts in the Transvaal. The following is the analysis according to the centres: Johannesburg, 2,085; Newclare, 108; Roodepoort, 136; Krugersdorp, 179; Germiston, 300; Boksburg, 129; Benoni, 91; Modderfontein, 51; Pretoria, 577; Pietersburg and Spelonken, 90; Vereeniging, 73; Heidelberg, 66; Balfour, 14; Standerton, 123; Volksrust, 36; Wakkerstroom, 12; Piet Retief, 3; Bethal, 18; Middelburg, 29; Belfast, Machadodorp, and Waterval, 21; Barberton, 68; Potchefstroom, 114; Ventersdorp, 12; Klerksdorp, 41; Christiana, 24; Lichtenburg, 7; Zeerust, 59; Rustenburg, 54; Ermilo, 2.

The following, then, is the religious and provincial classification: Surtis, 1,474; Konkanis, 141; Memons, 140; Gujarati Hindus, 1,600; Madrassis, 991; Northerners, 157; Parsees, 17. In order to avoid a separate classification for the Sikhs and the Pathans, they have been included among the Gujaratis, if Hindus, and among the Surtis, if Mahomedans. The Christians have not been separately classified as they are nearly all Madrassis, and are not more than 200 in all.

With the exception of the Memons, there are hardly any abstentions, but the task of reaching every Indian in the isolated parts of the Transvaal—as, for instance, farms, etc.—has been beyond my Association during the time that was allotted for the canvassing of signatures. Canvassers, who were in all cases responsible and representative men, have reported that a large number of Indians have already left the Transvaal. It is common knowledge that nearly 13,000 permits had been issued to British Indians before the struggle commenced in September, 1906. Today the British Indian population of the Transvaal, according to the information at the disposal of my Association, does not at the outside exceed 8,000, but it is probably nearer 7,000 than 8,000, the rest having preferred to leave the country rather than be reduced to slavery. My Association is aware that pressure was brought to bear

by white employers on most of those who have registered, excepting a few Memons. Moreover, according to the information received by my Association, no more than 350 Indians have applied for registration throughout the Transvaal during the period from July 1 to October 31, and that 95 per cent. of these applicants are drawn from the Memon section.

In conclusion, my Association begs to draw the attention of the Government to the intensity of the feeling of the community represented by my Association against the Asiatic Law Amendment Act. In taking up the attitude the community has felt called upon to adopt, there has been no intention of defying the Government; rather, it is a proof of the community's intense sense of the wrong done to it. This sense of injury is so deep that the community has felt compelled to prepare for undergoing a course of suffering which passive resistance, as understood by British Indians, involves.

[From Gujarati]

Indian Opinion, 9-11-1907

270. *TRIAL OF RAM SUNDAR PUNDIT*[1]

[GERMISTON,
November 11, 1907]

Mr. Gandhi said that, whilst he did not wish to oppose the application for a remand, he informed the Court that, so far as Mr. Pundit was concerned, there was no defence to be offered, but that facts in justification only were to be brought to the notice of the Court. The Pundit would admit that he was in the Colony without a permit. His client was most anxious that the case should be finished without delay. In any case, he had already been in custody for four days and, although scores of Indians had offered to bail him out, the Pundit refused to be bailed out. If, therefore, the case was remanded, Mr. Gandhi suggested that the Pundit should be released on his own recognisance. To this the Court agreed.

Indian Opinion, 16-11-1907

[1] Ram Sundar Pundit was the first Indian to be prosecuted under the Asiatic Act. He was arrested on November 8 for "unlawfully entering and remaining in the Transvaal", after the expiry of his temporary permit. It was suggested to the Asiatic Department that his arrest would produce a salutary effect on Indians. This was the first case to be instituted under the Asiatic Law Amendment Act and was brought before the Assistant Resident Magistrate. The Public Prosecutor having asked for "a remand" to enable him to summon the Registrar of Asiatics, Gandhiji put in this plea. *Vide* also *Satyagraha in South Africa*, Ch. XVIII.

The Transvaal Leader, 12-11-1907, reported Gandhiji as having said that Ram Sundar Pundit "considered himself innocent of any offence and was prepard to fight the case and therefore would duly appear when called upon to do so".

271. INTERVIEW TO "THE TRANSVAAL LEADER"[1]

[GERMISTON,
November 11, 1907]

Mr. Gandhi informed me that it[2] was against the religion of Indians—Mohamedans especially—because it took away the personal liberty of every Asiatic coming within the meaning of the Act, the result being that, instead of his being the creature of God only, he became the creature of any official appointed under the Act, and a man believing in God would never even dream of submitting to an Act which really enslaved him.

Now, religion comes more into play because all Indians are bound by a solemn oath not to accept the Registration Act, as it is opposed to their religion, and every Indian, therefore, would be doing violence to his conscience if he now, for any material advantage he might gain, were to accept the Act. Consequently, the priest has actively interested himself in seeing that the people do not register, and that rather than look to the things on earth, they look to those from above. This accounts for his (Ram Sundar Pundit) having acted as chief picket when the Asiatic Registration Office was [kept] open in Germiston, picketing having been a purely persuasive act.

The Transvaal Leader, 12-11-1907

272. TRIAL OF RAM SUNDAR PUNDIT[3]

[GERMISTON,
November 14, 1907]

Cross-examined by Mr. Gandhi, the witness[4] said that the date of the accused's understanding was the 28th August, 1906, since when several extensions of his permit had been granted, because witness was assured, and believed, that the accused was only here to pursue the office in respect of which he was allowed to remain in the Colony.

[GANDHIJI:] Have you any reason to doubt that he is, and has continued to be, a priest?

[WITNESS:] There are priests and priests and priests preach. Whether a priest is a Christian, Mahomedan, Hindu or belongs to any other persuasion, I consider he is a desirable, so long as he continues to preach his doctrine; but when he preaches

[1] Gandhiji was interviewed by a correspondent of *The Transvaal Leader*, after Ram Sundar Pundit's release at the conclusion of the first hearing of the case.

[2] The reference is to registration.

[3] *Vide* "Trial of Ram Sundar Pundit", p. 352.

[4] Montford Chamney, Registrar of Asiatics

other doctrines—I will not say sedition—and resorts to methods for inciting his people to violence, he becomes a person other than the one I understood I was allowing to enter this Colony.

What He Preached

Have you any proof that he has preached anything but his religious doctrine?

I believe he has, and it is because of that belief that I refused to renew the permit.

You say you believe he has acted other[wise] than as a priest?

I did not say that.

You have just said that you had grounds for believing that he was preaching other than religious doctrines. Have you sufficient grounds for that belief?

I have had complaints both from white and Coloured people.

Have you ever warned him with reference to these complaints?

Certainly not.

When did you receive the complaints?

I cannot remember the exact dates, but it was in respect of the registration of Asiatics.

Can you produce the complaints?

I certainly will not.

Then, Mr. Chamney, you positively decline to produce the complaints?

I positively decline to disclose to you the names of the persons who have complained.

In response to the request made by Mr. Gandhi, witness produced a petition, dated the 28th September last, which he had received from the Indians of Germiston, asking him to extend the accused's permit, which was about to expire, and stating that the accused devoted himself solely to the work of the temple and his religious duties.

You did not consider that petition to be sufficient inducement to extend the permit?

No, I did not, in view of the reports I had in my possession.

You admit the accused bought the Hindu Temple at Germiston?

I don't know anything about it. He came on a few weeks' permit, and we extended that permit for over a year, and I don't know what he did.

And you would probably have extended to the end of all time but for this new Act?

Very probably.

When you talk of "sedition", what do you mean?

I specially said that I did not refer to sedition.

Then, what did you mean by your reference to his departure from his religious duties? Did you mean his preaching to the people not to submit to the Registration Act?

I cannot answer hypothetical questions.

You know he has preached against submission to the Asiatic Act. Has that been an ingredient?

The answer is "Yes", but I qualify it.

Have Mahomedan priests received extensions of their permit?

Yes, and Christians and others, too.

You mean Asiatics?

When I speak of Christians, you must understand, Mr. Gandhi, that I mean Assyrians.

The Magistrate remarked that it was not so much a question of what Mr. Gandhi understood, but of what the Court understood.

Mr. Chamney's Methods

Witness explained that, when a priest applied for a permit to enter the Transvaal to preach the Gospel, he (witness) never put any difficulties in his way; but Assyrians and Mahomedans came in such numbers that he had been requested to restrict the granting of permits. The Government had no objection to grant temporary permits to such priests, provided they carried out the conditions under which they were granted.

Have you received any complaint about him from the Germiston Indians?

I understand by "Germiston Indians" you mean the Indians of Germiston?

Yes.

Then I have.

Have you investigated the complaints?

Certainly.

Have you ever heard the accused in answer to these complaints?

No, certainly not.

So that you have condemned him unheard?

I have got his letter. Do not forget that!

Then produce it.

I have already done so.

But that letter is not in answer to any complaints?

I did not say it was.

Then it is as I say, you have condemned him unheard?

I allowed him to enter the Transvaal under certain conditions, which he has failed to carry out.

Have you ever informed him of that?

I tell him now.

After he is hanged?

No, not after he is hanged. I do not like that remark.

The witness then read a letter, dated the 9th October last, which he had written to the accused, notifying to him that he must leave the Colony immediately.

Mr. Gandhi: That does not answer my question at all.

It is my answer.

This closed the case for the prosecution. . . .

THE DEFENCE

. . .PUBLIC PROSECUTOR : The accused had not had anything to do with the pickets?

MR. GANDHI: I admit he was the chief picket. . . .

. . .Mr. Gandhi then addressed the Court. He admitted that a conviction, as the law stood, was bound to follow, but he urged that this was one of the cases in which an expression from the Bench was necessary. He cited the case of Rex *vs*. Bhabha, in which the Supreme Court had expressed strong opinion against the manner of administering the Peace Preservation Ordinance. His client was not prosecuted because he did not hold a permit, but, as was quite evident, because he had dared to hold strong views about the Asiatic Act and had not hesitated to place them before his countrymen. If that was a crime, then the majority of Indians were guilty equally with the accused. Ram Sunder Pundit, rightly or wrongly, believed that it was a part of his duty as a preacher to place the real facts about the Act before his countrymen. The religious objection went far beyond finger-prints and giving the wife's name. The Pundit had preached, because, in his opinion, as in the opinion of every self-respecting Indian, the Act took away all manliness from Indians if they submitted to it. He considered that, in view of what the priest had done, instead of deserving censure, he was entitled to praise. He asked the Court to believe the accused when he said that there was no truth in the complaints which had never seen the light of day, and of the nature of which, even to the day of trial, the accused knew nothing. The accused knew the consequences of disobedience to the Registrar's order, but, in his own words, he had a call of higher duty in obedience to which he was before the Court to suffer imprisonment or worse.[1]

Indian Opinion, 23-11-1907

273. *RESOLUTION AT MASS MEETING*[2]

[GERMISTON,
November 14, 1907]

Impromptu Mass Meeting British Indians held Germiston after sentence against Ram Sundar Pundit, only Hindu priest, under Asiatic Registration Act, resolved approach His Majesty King-Emperor grant protection against oppression under which innocent Indians groaning. Pundit has preferred gaol to sacrifice of principle. Thousands ready do likewise.

Indian Opinion, 23-11-1907

[1] Ram Sundar Pundit was sentenced to one month's imprisonment.

[2] Gandhiji addressed a mass meeting after Ram Sundar Pundit's trial was over. The resolution, drafted in the form of a cable evidently to be sent to the S.A.B.I. Committee, was presumably drawn up by Gandhiji. It was also resolved to send congratulatory telegrams to the Pundit's family and to close stores and suspend all business the next day.

274. LETTER TO G. K. GOKHALE

JOHANNESBURG,
November 14, 1907

DEAR PROFESSOR GOKHALE,

This will serve to introduce to you Mr. Ameeroodeen Mahomed Hoosen Fajandar[1], who has been appointed, together with four other Indians, as a delegate to represent the Transvaal Indians at the forthcoming session of the National Congress. Mr. Fajandar is a well-known merchant of the Transvaal and of long standing. I trust that you will be good enough to secure for him every facility for placing our case before the Congress and to give him the benefit of your advice and guidance.

I am,
Yours truly,
M. K. GANDHI

From a photostat of the typewritten original signed by Gandhiji: G.N. 4108

275. TRIAL OF PICKETS

[PRETORIA,
November 15, 1907]

Gavarishanker Vyas, Sharfoodeen, Govind Prag and Frank Lutchman were charged on the 15th instant with the crime of assault, or inciting to the commission of an offence in that upon (or about) the 13th day of November 1907, and at (or near) Pretoria in the said District, the accused did each and all or one or other of them wrongfully and unlawfully assault one Lutchman, an Indian there residing and did then and there gather round him and arrest his progress, thereby preventing him from proceeding to the Indian Registration Office as desired by him (or alternately). At the same time and place, the said accused did each and all or one or other of them wrongfully and unlawfully incite the said Lutchman to refrain from applying for registration as required by Sections 1, 2 and 8 of Act 2/1907[2], by threatening the said Lutchman that if he did register, he would be assaulted and have his face blackened. The accused pleaded not guilty, and were defended by Mr. Gandhi. Mr. Graham conducted the prosecution. The Court was crowded with Indians and many could not gain admission.

The complainant said that the accused spoke to him outside the Registration Office, and said that their people were not taking out permits and advising him to consult those who were wiser than himself. The accused had never assaulted him.

[1] The original has "Vazindar".
[2] The original has "Act 20/1907"

Mr. Graham asked that the witness [Lutchman] be treated as a hostile witness, but Mr. Gandhi objected. The objection was noted, and the witness said that he was taken to the Charge Office and there he was asked by Mr. Cody if the accused had assaulted him, and he said, "No". Mr. Cody said that he had arrested the accused, and when the witness asked, "Why?" he was told that it had been his (witness') wish. Witness said that was not so. He said "They are of my nationality and ought not to be arrested. I came for a pass, and when I get it I shall go. They did not assault me."

BY MR. GANDHI: He came to Pretoria to get a pass because he had been told by a white man that he would be sent away if he did not. The white man had taken his documents and sent them to Mr. Cody. He was a washerman at Witbank. He was afraid of the Government in his heart, and that was why he came here. He was taken to the Registration Office by two white men who met him at the station...

Cross-examined by Mr. Gandhi, witness[1] said he was instructed by Superintendent Betts to meet Lutchman at the station and escort him to the Registry Office, and if he (Lutchman) was molested to report the matter. Witness knew Hindustani well. He saw no assault take place.

Mr. Graham closed his case, and Mr. Gandhi at once asked for the discharge of the accused. Mr. Graham had said that he could not support the assault charge and must rely on the incitement charge. Mr. Gandhi said he had no case to meet.

MR. MELLOR[2] (smiling) : Do you support this charge, Mr. Graham?

MR. GRAHAM: As a matter of fact I don't press the charge. I don't think the case is strong enough.

MR. MELLOR : Tell them they are discharged.[3]

Indian Opinion, 23-11-1907

[1] Alfred Anderson, Warder, Central Convict Prison. He had deposed that, on instructions from the Governor of the gaol, he had gone to the railway station and met the complainant who had told him that he had come to register, but the accused had threatened to punch him.

[2] Assistant Resident Magistrate

[3] Later the pickets were garlanded and taken in a procession to Vyas's house where A. M. Cachalia, M. L. Desai, chief picket, Gandhiji and others spoke in praise of the brave stand taken by the pickets.

276. LETTER TO "INDIAN OPINION"[1]

JOHANNESBURG,
November 15, 1907

TO
THE EDITOR
INDIAN OPINION

SIR,

May I be allowed to bring to the notice of the public some very painful facts which came to light during the course of Ram Sundar Pundit's trial[2] on Thursday?

The Registrar of Asiatics admitted that it was a rule of his Office to issue temporary permits to priests, the tacit understanding being that, so long as they only restricted themselves to the priestly vocation, the permits should be extended, in the Registrar's words, "to the end of time". He then stated that the Hindu priest had added something to the priestly vocation, which in the Registrar's estimation, disqualified him for the right to extension. It was with difficulty that I was able to ascertain that that "some thing" included the priest's preaching against the Asiatic Act. His other misdemeanour was darkly hinted at, but the Registrar point-blank refused to disclose the nature of the complaints or the names of the complainants. He admitted that the priest was never given the opportunity of facing his unknown traducers or answering the complaints; in other words, he was condemned unheard. I am not aware of any precedent, except during war-time, of any such high-handed, unjust and tyrannical action. One man, who, as he admitted in the witness-box, has not the slightest knowledge of law, is utterly incapable of weighing evidence, and who can scarcely distinguish between sedition and respectful and manly opposition to a particular law touching personal liberty, possesses under the Act extreme powers over the persons of free and inoffensive British subjects. He can dictate terms on which he would allow religious preachers to remain in the country, and, if he is displeased with them, he has the power almost summarily to close temples and deprive communities of religious consolation.

And yet, Asiatics are often asked why they should object to a very simple law, whose only purpose is to identify those that are in the Colony!

Mr. Leung Quinn has brought to the public notice one tragedy. The other that was enacted at Germiston on Thursday was great enough

[1] A Gujarati translation of this appeared in *Indian Opinion*, 23-11-1907.

[2] *Vide* pp. 353-6.

for the Magistrate to remark that he could not withhold sympathy from the accused, but the court was helpless, and an innocent man had to be sacrificed on the altar of prejudice, ignorance, incompetence, and insolence of office—attributes un-British enough, surely!

I am, etc.,
M. K. GANDHI

Indian Opinion, 23-11-1907

277. THE CAXTON HALL MEETING

Mr. Ameer Ali and the Moslem residents of the United Kingdom deserve the gratitude of the Indian community in the Transvaal for their having championed their cause. It was a happy thought on the part of the Hamidia Islamic Society to send out a general letter[1] to the Indian Mussulmans. The cablegrams show that the proceedings were enthusiastic, and that the meeting was attended by many prominent Europeans. It is a curious coincidence that the meeting should have taken place on the 9th of November, the birthday of the King-Emperor. What would have been the feeling of Mr. Ameer Ali and his audience, had they known that, whilst they were pleading for justice and humanity on behalf of the down-trodden Indians in the Transvaal, that Government had already laid violent hands on an Indian priest? We are informed by Reuter that the speeches in denunciation of the Asiatic Act were punctuated by cries of "shame" and "disgraceful". One way of dismissing this important meeting from consideration is to vote it down as the opinion of ignorant people knowing nothing of the local situation. Another way is to accept this opinion as being typical of the great dissatisfaction that permeates thousands upon thousands of Indians. Interpreted in the latter sense, the resolution passed by the meeting should command the earnest and sympathetic attention of the Transvaal Government. And, yet, we feel that, unless the Imperial Government makes effective representations, the authorities in the Transvaal will turn a deaf ear to anything that may be said by Indians, no matter how influential and well-informed they may be. Be that, however, as it may, one thing the meeting has undoubtedly done, namely, that the Mussulmans from all parts of the world feel that they should not sympathise and work only for their co-religionists, but that they should also extend the scope of their activity to the Hindus. This is a good sign and it shows that we are fast approaching a time when men will work for men, irrespective of nationality or religion.

Indian Opinion, 16-11-1907

[1] *Vide* "Appeal to Indian Muslims", p. 177.

278. LAJPAT RAI'S RELEASE

Lesson for Transvaal Indians

Lala Lajpat Rai and his lieutenant Ajit Singh have been released. It is true that they had to suffer banishment, but they also succeeded in getting the [Punjab Lands] Act repealed. This success is a strong proof of the effectiveness of passive resistance. Does any Indian in the Transvaal have now reason for hesitation in the face of this recent example? We hope not. On the contrary, even those who have applied, if they can grasp the significance of Lajpat Rai's success, will take the step, in case they have still the opportunity, of withdrawing their applications, i.e., of not going to receive the register. For, everyone admits that the Asiatic Act is bad. Those who have registered themselves have been trapped into slavery merely out of blind self-interest and fear of imprisonment. Lajpat's success proves that those who entertain any fears are cowardly and as good as defeated; and that those who fight are heroes and as good as victorious. The signs that we see these days also point to the same conclusion, namely, that those who are fighting have as good as won. There is only one condition, that the fight should be continued to the last, even at the cost of imprisonment or deportation, which is also what Lajpat's example points to. Therefore, we have not the slightest hesitation in saying that, if the Transvaal Indians draw the lesson which ought to be drawn from the banishment of India's Lala and prepare themselves boldly to act accordingly, they are bound to win.

[From Gujarati]

Indian Opinion, 16-11-1907

279. KING-EMPEROR'S BIRTHDAY

We think it was proper that telegrams of birthday greetings were sent to His Majesty King Edward. We are an ancient people. Courtesy runs in our blood. If the telegrams had not been sent, we would have been found wanting in courtesy. We have not sent the greetings specially by way of flattery, or in the hope of gaining anything in connection with the question of the [new] law. We sent the greetings because we thought that it was our duty to do so.

Even so, why should such a telegram be sent? We received three gifts on the birthday. Ram Sundar Pundit was arrested without any reason. This was an attack on religion. Though he is a Hindu, the whole community has felt shocked. Passports have been refused for

pilgrimage to Mecca. Licences were refused in Johannesburg and other places. It is as if, while others are enjoying themselves, the Indian community is to be in mourning. Should we, even then, send the telegrams of greetings?

This question occurred to three former Presidents of the Natal Indian Congress, and quite justifiably. They felt that if we did want to send a telegram, we should also mention our grievances. The objection that they raised is not to be set aside lightly. It indicates how much our feelings have been hurt. Even then, it is a sign of anger. It is not the fault of the Emperor that we suffer. The remedy lies in our hands. Since we feel the pinch, a remedy will be found. That remedy is in the hands of the Transvaal Indians.

[From Gujarati]

Indian Opinion, 16-11-1907

280. MEETING OF LONDON MUSLIMS

This meeting, which the newspapers report as having taken place on November 9 in London, was no ordinary event. Justice Ameer Ali was in the chair. Many whites were present. Even if the new law does not confer any other benefit, there are at least signs that Hindus and Muslims will definitely come closer to one another. It was categorically stated at the meeting that the Muslims would insist on the rights of the Hindus too. The Muslims who attended the meeting were not all of them Indians. If the Muslims of India ask the right of the Hindus to be granted, it is after all their duty to do so. For, they are both children of India. But it is a matter for rejoicing that Muslims of other lands present in Britain should join in asking for these rights.

[From Gujarati]

Indian Opinion, 16-11-1907

281. CONTRIBUTIONS FOR INDIAN NATIONAL CONGRESS

Every year we collect contributions for the Congress. This is to be done this year too. Now that we are sending delegates to represent us, we expect that many Indians will send contributions to the Congress Fund. We shall acknowledge receipt of the same. Already, a sum of about £25 has been raised at Johannesburg. We shall publish the list of names next week.

[From Gujarati]

Indian Opinion, 16-11-1907

282. *MEMONS WHO HAVE ESCAPED*

About a hundred Memons—40 from Pretoria, 27 from Pietersburg, 20 from Potchefstroom and three from Piet Retief—have escaped [disgrace]. We look upon them as great heroes. It is our request to them in brief that, without losing courage now, they should save the honour of the Memons and the Indians.

[From Gujarati]

Indian Opinion, 16-11-1907

283. *LIFE-SKETCH OF PUNDITJI*

All Indians must be eager to learn the history of the Indian who has raised such a storm. We publish his photograph in this issue. Ram Sundar Pundit is 30 years of age. His father's name is Kalka Prasad. He was a priest by profession. Punditji was born in Banaras. He studied Hindi and Sanskrit in the Banaras Sanskrit Pathshala. For the last nine years he has been working as a priest in South Africa. He has married in Natal. He has two children, a son, two-and-a-half years old, and a daughter, one year old. His family lives in Grey Town. Punditji came to the Transvaal in the year 1905. A temple was built in Germiston as a result of his efforts and the Sanatan Dharma Sabha was established. Everyone knows about his work relating to the Asiatic Law. Finally, we only wish that Punditji may live for many years and continue to render uninterrupted service to the community.

[From Gujarati]

Indian Opinion, 16-11-1907

284. *WHAT DID INDIA'S LALA DO?*

We believe that Lala Lajpat Rai, in exile, is on a picnic. For, his object has been achieved. It was against the Punjab Lands Act that he gave a battle, and not merely for his own pleasure. That law is wrecked; then, what does it matter to Lalaji whether he lives in Mandalay or in Lahore? Many know how to be wise and discreet in speech, but people do not pay attention to all that they say. But the man who follows up his words with deeds, who abides by his promise, will be listened to by everyone, though his words may be like the words of a mad man. For this reason, we give below the substance of a speech by Lala Lajpat Rai.

There are no particularly new thoughts in it, yet they are the thoughts of a patriot suffering exile. Therefore, they are worth our attention:

> Brothers, the Government says that this land (in the Punjab) is given by it; therefore, we must acknowledge its rights. The question is: whence did the Government obtain this land? This land and the sky above have been there since the beginning [of time]. Its first occupants were the Hindus; then the Muslims came and settled there. We Hindus and Muslims are the heirs of both these. That being so, let the Government show how it can appropriate that land. It belongs to God. He has given it to us. There may be an emperor (ruling) over it; but it certainly does not belong to the emperor's servant. High-salaried officers are not our kings, but our servants. They are paid by us.
>
> We are like a sleeping lion. Finding us slumbering, some may pull our tail; some may spit upon us; but if we are conscious of our worth, then there is none who can harass us. Our enemies wish to create animosity between Hindus and Muslims; they wish to divide the Sikhs and the Hindus. Their greatest weapon is to keep us divided against one another. Everything has its own characteristic property. Water cools; fire burns; so the property of foreign rulers is, by keeping us divided, to perpetuate their power over us. Our property must be to counteract this aim of theirs. Our first duty is that, if there is among us an Indian who is a traitor, then he should be excommunicated. We should go to the Viceroy. It is also desirable to go to England. And if we sincerely believe that, when fighting for our rights, dying and living are the same to us, then the officers will immediately say: "Yes, that land is certainly yours."
>
> There is no other remedy for this disease. We must unite and live together; that is all. If the Government seizes anyone's land, and wishes to give it to another who is prepared to submit to the new Lands Act and if anyone from among us comes forward to buy the land by submitting to the law, then we must treat him as an enemy of the country and a traitor. If the Government seizes anyone's land, then we should take an oath not to buy that land. Let us be men; let us not become women. *If you remain firm in your oaths, you will not have to make petitions. When you swear by your scriptures or the* Koran, *and remain loyal to one another, there will be none in this world who will dare insult you.*
>
> The land of India is to the Hindu a heaven; to the Muslim it is a paradise. We raise millions of tons of foodgrains; yet every day seven crores of the sons and daughters of India go hungry.
>
> *The best remedy for this disease is that we should defend our self-respect and dignity. Every day thousands of people die of the plague; but*

he dies a true death who lays down his life for another, whether it be in gaol or outside.

We shall publish next week a letter written by Lalaji from Mandalay which is worth reading. We request our readers to go through the article given above repeatedly and apply it to the situation in South Africa.

[From Gujarati]
Indian Opinion, 16-11-1907

285. RAM SUNDAR PUNDIT'S TRIAL IN COURT

Huge Meeting in Germiston

We have already reported in "Late News" last week that Ram Sundar Pundit was arrested on Friday, the 8th, for living in the Transvaal without a permit. That morning, he was standing near the court in Germiston when a detective inquired his name and asked for his permit. He said he had no permit. Thereupon the detective arrested him on the spot. As soon as Mr. Polak heard of this, he went to Germiston. He saw Mr. Pundit in gaol. On being asked, he replied *that he did not at all want to be released on bail, and that he would prefer to remain in gaol.*

In the gaol, the gaoler also urged Punditji to offer bail, but he refused to do so, saying that, for the sake of his community and religion, he would rather remain in gaol.

Condition in Gaol

He was quite comfortable in gaol. He had all the facilities, such as a living-room, a bathroom, etc. As he himself says, he had fever when he went there. Now he is all right. Arrangements for his meals have been made by the community, and milk and fruits are being supplied to him every day. He did not wish to take anything else.

Shower of Telegrams

He received a number of telegrams in gaol, offering him congratulations and asking him to have courage. They were sent by the Natal Indian Congress, the Durban Anjuman-e-Islam, the Durban Memon Committee, the Hindu Dharma Sabha (Durban), the Parsi Committee (Durban), Mr. Vyas (Pretoria), and the Surat Hindu Association (Durban). In all the telegrams, Punditji was congratulated on going to gaol for the sake of religion and for the struggle of the Indian community.

Case on Monday

Expecting that the case would come up for hearing on Monday, leaders from various places had arrived. Among the gentlemen who had come, there were, from Johannesburg, Moulvi Saheb Ahmed Mukhtiar, Messrs Essop Mia, Emam Abdool Cadir, Omarji Sale, M. S. Coovadia, Jusab Ebrahim, Ahmad Moosaji, Thambi Naidoo, Polak, Mahomed Khan, Gulabbhai, Bhatt, Naranji, Nawab Khan, and Alibhai Akuji; from Pretoria, Messrs Cachalia, Pillay, Vyas and Manibhai; from Krugersdorp, Mr. Vaja; and from Vereeniging, Mr. Aswat. About 150 Indians had already collected at the entrance to the court before the case was called up. Many of them had brought garlands and bouquets with them. Mr. Gandhi had brought news at half-past ten that the case would be adjourned but that Mr. Ram Sundar Pundit was likely to be released without bail. In view of this, people were eagerly waiting on the road to receive Punditji.

Exactly at eleven o'clock, Punditji was brought into the court room. As soon as he came, the court became crowded with Indians. The Public Prosecutor asked for adjournment with a view to enabling Mr. Chamney to come from Pretoria. Mr. Gandhi said:

My client has been in custody for four days. He does not want to be released on bail. He is not going to leave the Colony. Rather, he will submit to the penalty prescribed by law. Hence, the case can proceed even today. There is no need for any witnesses from Pretoria. However, I shall raise no objection if it is desired to adjourn the case. Only, my client should be released on his personal recognizance.

The Public Prosecutor said that, since he did not know all the facts of the case, he could not agree with the suggestion that the accused might be released without bail. Mr. Gandhi said that Mr. Pundit was not a man who would abscond. It was the Government that wanted him to run away. What bail could there be for a man who would not leave the Transvaal for the sake of the community, because he had the right to remain there, even though the Government might want to drive him out?

The magistrate accepted this argument and released Punditji on his personal recognizance.

Cries of "Hurrah!"

Punditji received an ovation as soon as he came out. There was a shower of flowers. All shook hands [with him]. It was then decided to hold a meeting in the Location and, accordingly, everybody went towards the building of the Sanatan Dharma Sabha.

MEETING

On the proposal of Mr. Lal Bahadur Singh, Moulvi Saheb Ahmed Mukhtiar took the chair. Accommodating the guests inside the hall, the residents of Germiston themselves stood outside. Moulvi Saheb made a speech and said that Punditji deserved congratulations. He had served the whole Indian community. He had proved that gaol was indeed a palace. When the time came, he (Moulvi Saheb) too would be ready to go to gaol. It was the duty of Moulvis and priests to take the lead in such times of difficulty.

Mr. Emam Abdool Cadir said that Ram Sundar Pundit's example should put courage into the heart of everyone.

Mr. Essop Mia said that no one should in the least be afraid of the Government.

Mr. Gandhi said that, though it was just the beginning of the struggle, there was already a big gain in that Hindus and Muslims were fighting unitedly for a public cause.

Mr. Ahmad Moosaji paid compliments to Punditji and said that he, too, would not get himself registered as long as he lived.

Mr. Manibhai proposed a vote of thanks on behalf of the Pretoria Hindu Dharma Sabha.

Mr. Thambi Naidoo said that the fight would become more exciting only when Punditji went to gaol.

Mr. Coovadia said that he had no fear whatsoever. It did not appear likely that the Government would do anything to Punditji.

Mr. Mahomed Khan said that he was proud of those who had carried on picketing, since he was himself one of the pickets.

Mr. Omarji quoted the following Gujarati verse:

> "A woman should give birth to three kinds of men only, one who is generous in donations, one who is a devotee of God, and one who is brave in battle; otherwise, she better remain barren rather than have her light bedimmed."

According to this, it was a matter of credit to his mother that Punditji was a brave son.

Mr. Aswat said that everybody should realize from the example of Punditji that the Registrar's Office was a raging fire. No one should touch it.

Mr. Cachalia thanked Punditji and said that those of them at Pretoria who had not yet registered themselves would never do so.

Mr. Alibhai said that, if Kanmia pickets were not prepared to go to Pretoria, he himself would specially do so.

Mr. Vyas said that Punditji had courage enough to be prepared for anything. He had agreed to stay on in Pretoria.

Mr. Lal Bahadur Singh thanked everyone. Mr. Polak hoped that, after Mr. Pundit, it would be the turn of Moulvi Saheb.

Then, after a few more remarks, Moulvi Saheb dissolved the meeting.

Refreshments consisting of bananas and oranges, with tea and lemonade, were then served to all.

[From Gujarati]

Indian Opinion, 16-11-1907

286. JOHANNESBURG LETTER

Brave Tailors and White Merchant

Some of the facts of the hardships of tailors here have already been published in this paper. But the case is so important that I give a more detailed account. Mr. T. Allbret had addressed the following letter to tailors:

> It appears from the latest speech of the Colonial Secretary that those Indians who do not conform to the provisions of the new law of the Transvaal Government in respect of Indians will not be given licences and will be arrested and imprisoned, as provided for in the law. We should like, with your assistance, to avoid getting involved in any complications, and we very much regret to have to request you therefore to arrange for cash payment in respect of future transactions between us, and to settle the outstanding bills before December.
>
> It is hoped that no ulterior motive will be attributed to us. God willing, if your present uncertain condition is brought to a successful end, we shall be quite happy to have the normal business between us resumed.
>
> We tender our thanks to you for the satisfaction you have given us in your business dealings and financial transactions with us.

This is a very polite letter. Though it is not rude, it only means that those who do not get themselves registered will get no credit. Hence, the tailors were annoyed. Had they been cowards, they would have been impelled by fear to get themselves registered. Being brave, they flung back to him all his samples and wrote the following letter with 21 signatures:

> We are in receipt of your notice in Gujarati. We are very sorry to inform you that with effect from today, i.e., November 7, 1907, we do not wish to maintain any account with you. Moreover, we shall not buy goods worth even a single penny from you, for we have taken an oath not to get ourselves registered. We do not

wish to violate it in any circumstances, whatever the cost. We shall pay off your outstanding credits to us at our earliest convenience.

Mr. Allbret got into a fright at this. The boycott was complete. A picket was posted at his shop to watch if anyone bought cloth from there, for, the tailors would refuse an order for stitching if such cloth was brought to them. Thereupon, Mr. Allbret pleaded with the people and offered the following apology:

> The notice that we issued in English and Gujarati to our clients has been interpreted to mean that we want them to register, and that we would withhold credit in case they failed to do so. They have accordingly felt offended, and have called for our boycott.
>
> We need hardly say that nothing could have been further from our intention than to offend the sentiments of our customers, and we can naturally understand resentment at any pressure being put upon anyone with reference to compliance or non-compliance with the laws of the Colony. Under our Constitution, we have always believed that everyone is entitled to his own opinion. We, therefore, unreservedly withdraw the letter in question and we can only reiterate our hope that Indians will come out of their terrible struggle successfully and that they will be treated by the Government of the Colony with fairness and justice; and, as an earnest of our good faith and as a token of the good relations that have hitherto subsisted between them and ourselves, we hereby send you a cheque for £25 to help the Indian cause.
>
> With reference to the boycott, we can only trust that it will be removed, but it depends entirely upon our customers whether to deal with us or not. If they do, we shall be glad to do our best for them and to sell on the usual terms, but we state that our letter has absolutely nothing to do with the boycott. We simply wish to place ourselves right in the matter, and to show that in writing the letter we did not intend to offend anybody.

We have never heard of such a letter of apology having been written by a white. I think it is a sufficiently polite letter. This incident should raise the prestige of the tailors, and others ought to take a lesson from it. If we are not afraid of the whites, they are not likely to stop credit to us. How can they do so? Do they not want to earn [money]? I have also heard that this firm has had a business of £60,000 with Indians during the last five years, in the course of which it has lost so far only £23. If Indians are honest, they will get credit without asking for it.

Moosa Ismail Mia

Mr. Moosa Ismail Mia has gone on pilgrimage to Mecca. I offer him greetings. His elder brother, Mr. Essop Mia, is engaged in the holy work of serving the community. In my view, it can be said that both

brothers look after the affairs of this world and also attend to the claims of the other world. May they always remain devoutly religious and continue to serve the community! What they are doing is far more valuable than earning millions.

TREACHERY STILL?

We hear that registers are being secretly issued in Mr. Khamisa's shop. Nine such registers were given. No applications are received, but those who have applied are given the registers.

LAW DESTROYS LIFE

A Chinese, after taking out the register, committed suicide out of shame. This has produced a feeling of revulsion. The President of the Chinese Association, Mr. Quinn, has sent the following letter to the newspapers:

> The Press has reported a Chinese suicide. Before I read the news in the morning papers, I had by our caretaker a letter placed in my hands written in Chinese and signed by the deceased. I give below a translation of the letter:[1]
>
> From Chow Kwai to the Chairman, the Chinese Association, November 10, 1907:
>
>> I am going to leave the world, but I must give a public explanation why I intend to commit suicide. Since I came to South Africa I have only been in domestic service. My dialect is quite different from that of the rest of my countrymen, with whom I have very seldom associated. My employer advised me to re-register. At first, I refused to do so, but I was informed that I would be dismissed from my employment. I thought that I should have to lose my situation. Therefore, I was obliged to re-register, but I did not know the degradation that would follow until my friend talked to me about the registration matter and showed me the translation of the law. I found that I would be treated as a slave, which would be a disgrace to myself and my nation. I was not aware of all this before. Now it is too late for me to repent. I cannot look my countrymen in the face. I hope all my countrymen will take warning from my error.

Mr. Quinn comments on the letter as follows:

> You can well imagine my feelings on reading the letter. I immediately took up the papers and saw that the threat was carried out. My Association immediately applied for the body, and I have

[1] The translation given here has been collated with the original in English.

just returned after performing the funeral rites. The cortege was followed by nearly 70 members of the Chinese Association.

I dismiss with utter contempt the allegation that any threat was held out to the deceased member of my community. But what is the moral of this, to us, tremendous tragedy? I must call a spade a spade. This is not an occasion when I can possibly use soft words: and I do deliberately charge the Transvaal Government with the murder of an innocent man, and this only because he was an Asiatic. The Asiatic Act has placed us in a difficult situation. It has now exacted blood. Will the humanity of the whites of the Transvaal tolerate an Act which has necessitated the tragedy I have described? Or will the public still continue to believe that the Asiatic Act is all for the best, that it is necessary for the protection of the white men of the Transvaal, and that, therefore, if the Asiatics, stupidly in their opinion, take to heart the insult that is offered by the Act, it is not their concern? Such is not the lesson that we would learn from Western civilization.

Shahji Saheb

Shahji Saheb's case came up for hearing on Wednesday. Hundreds of Indians were present. Mr. Mahomed Shahboodeen tried hard to have the case withdrawn, but that could not be done. Deposing, he said that he did not want to lodge any complaint. Shahji Saheb had assaulted [him] for violating religion, and he had regarded the assault as a chastisement of a son by a father. Thereupon, the court let off Shahji Saheb with a warning.

Arrest of Vyas and Other Pickets

Mr. Gavarishanker Vyas, Mr. Lutchman and Mr. Sharfoodeen were arrested while picketing. They have all been released without bail. They had refused to offer it. The case will be heard on the 15th. There is great excitement in Pretoria. Everyone is in high spirits. Telegrams have been sent to congratulate them.

Stir among Whites

The whites are now feeling concerned. Some of them wish to lead a deputation to the Government. It is hoped that we shall be able to give further information later.

Delegates to Congress

A meeting of the British Indian Association was held on Wednesday under the chairmanship of Mr. Essop Mia. Many members were present. Messrs Fancy, Coovadia, Cachalia, Ahmad Moosaji, Moulvi Saheb Ahmed Mukhtiar, Emam Abdool Cadir and Gandhi were among

those who spoke. Then Messrs Omar Hajee Amod Zaveri, Ameeroodeen Mahomed Hoosen Fajandar, Hajee Ebrahim Ahmed Dindar, Ahmed Saleji Coovadia, Suliman M. Cassim and Peeran Mahomed were elected delegates to the [Indian National] Congress to be held in Surat. Collection of contributions to the Congress was started at the same time. Mr. Ameeroodeen made a speech, urging a vigorous effort.

[From Gujarati]

Indian Opinion, 16-11-1907

287. *DIWALI CELEBRATIONS IN DURBAN*

A gathering of Hindus was arranged in the building of Mr. Abdool Latif in Grey Street to celebrate Diwali[1]. The building was beautifully adorned with illuminations, etc. Music, too, was provided. After the ceremonial worship of Saraswati at the auspicious hour, Mr. Keshavlal Maharaj read out a sermon on the significance of Diwali. Ambaramji recited benedictory verses. Afterwards, a deputation of the gathering went to receive Mr. Gandhi at the station. He arrived at about 7.30 p.m. He was accompanied by Sheth Abdool Karim, Sheth Rustomjee, Sheth Dada Osman and others. Shriyut[2] Ambaramji made a powerful speech on service to the motherland. Mr. Gandhi gave an account of the condition of Indians in the Transvaal and said that, that day, it was the day of Holi[3] for the Hindus, and that there would be occasion for Diwali celebrations only when they had won the struggle. The audience was very much affected by the detailed account that Mr. Gandhi gave of the conditions of Indians in the Transvaal. The gathering was then addressed by Sheth Abdool Karim, Mr. Parsee Rustomjee and others. A collection plate was then sent round to receive contributions for the Transvaal [struggle] and a sum of more than £5 collected. After the distribution of *prasad*[4], there was some music and the gathering then dispersed.

[From Gujarati]

Indian Opinion, 16-11-1907

[1] The Hindu festival of lights, celebrated at the end of the autumn harvest, with ceremonial worship of Lakshmi, the goddess of wealth, and in parts of India, also of Saraswati, the goddess of learning

[2] Literally, "the prosperous one", an equivalent of "Mr."

[3] The full-moon day at the commencement of spring, observed with the lighting of bonfires to commemorate the miraculous escape of Prahlad whom his father, a wicked king, had sought to burn alive. In Gujarati, Holi is associated with the threatened destruction of what one cherishes. Hence the contrast between Diwali and Holi.

[4] Offerings to God distributed to devotees after ceremonial worship

288. SPEECH AT HAMIDIA ISLAMIC SOCIETY

[JOHANNESBURG,
November 17, 1907]

Then, after reading out Mr. Hajee Habib's letter from Durban in which he had advised people to have courage, Mr. Gandhi gave some information about going to gaol, the strike of newspaper-vendors, and Lutchman, who was involved in the case against the pickets at Pretoria, and added that Mr. Hosken, who had attended the Pretoria meeting to argue with them, was now trying persuasion with the Government. The people in Natal were helping them, and would continue to do so. Even Sheth Peeran Mahomed of Durban would not be able to take a steamer to India. Mr. Ritch was working hard in England; he should be allowed personal expenses. Everyone should offer his contribution to the Fund that Mr. Fancy was raising for the Indian National Congress. The case of Punditji was being re-examined by General Smuts. That showed how much the Government was scared.

[From Gujarati]
Indian Opinion, 23-11-1907

289. LETTER TO VICEROY OF INDIA

DURBAN,
November 18, 1907

TO
HIS EXCELLENCY THE VICEROY [OF INDIA

YOUR LORDSHIP,]

We beg, with your permission, to enclose herewith copies of resolutions and a cablegram unanimously passed and adopted at a Mass Meeting held at the Congress Hall, Pine Street, Durban, Natal, sympathising with Ram Sundar Pundit, a Hindu priest, who has been sentenced to one month's simple imprisonment at Germiston, Transvaal, under the new Asiatic Ordinance.

The iniquity of this prosecution is apparent to Your Lordship and, being confident of Your Lordship's personal sympathy, we beg respectfully that the Government of India will extend its protection and support to British Indians in South Africa who are being subjected to

humiliation and degradation. We trust that our application will be harkened to.

We have, etc.,
DADA OSMAN
M. ANGLIA
JOINT HONORARY SECRETARIES,
NATAL INDIAN CONGRESS[1]

[ENCLOSURES]

The following resolutions were passed at a Mass Meeting of Indians held under the auspices of the Natal Indian Congress on the evening of Thursday, the 14th day of November, 1907.

The copy of the cablegram below was also passed and adopted, the meeting resolving that copies of the same be sent to His Majesty's Secretary of State for the Colonies and the Honourable the Colonial Secretary, Transvaal:

Resolution No. 1: That this meeting of Indians, representing the Indian population of Natal, has heard with deep regret of the injustice and hardship the Transvaal Legislature are meting out to loyal British Indians.

Resolution No. 2: That this meeting resolves to send letters and telegrams of sympathy to Ram Sundar Pundit and his family, and to congratulate him upon the stand he has made to secure for himself the right of a priest to minister to the spiritual needs of his congregation. It is further resolved to suspend business [for] one day throughout Natal; this to be effected by the closing of all Indian shops and places of business on Saturday, the 16th instant, in order to more practically place on record the disabilities of the Indians in the Transvaal. This meeting also extends to the Hindu congregation its heartfelt sympathy upon being deprived of a spiritual leader and guide, and grieves to think that any Government should be so unreasonable as to indirectly interfere with the due performance of religious rites and ceremonies by depriving the Hindus of a religious guide and that copies of these resolutions be sent to the Secretary of State for the Colonies, the Transvaal Government, and the English and Indian Press.

Cablegram—Natal Indians respectfully protest against arrest and sentence of Ram Sundar Pundit as being undue interference with the personal liberty and religion of British Indians in a British Colony. Request intervention by Home Government for sake of Empire.

India Office Records : J. & P. 598/08

[1] In the original, the signatures appear below the enclosures.

290. SUGGESTION TO INDIANS IN TRANSVAAL

JOHANNESBURG,
Box 6522,
November 19, 1907

Every Indian must have observed from the accounts of the Association[1] that it has very little money at present. This is a big struggle. Though much of the work is done without being paid for, some expenditure has to be incurred, and is incurred, in fact. Telegrams are sent, hundreds of letters are written, a lot of typing is done, things are printed and newspapers have to be paid for. All these are small items of expenditure but when we think of the total, it amounts to a big figure.

There have been some collections in most places, but these have not been remitted to the Association. Those who have collected contributions, and other Indians too, are required to remit the money to the Association as early as possible. A receipt will be duly sent to everyone. We expect that no one will be tardy in this matter. Contributions sent by individuals will also be accepted.

ESSOP ISMAIL MIA, CHAIRMAN,
COOVADIA, TREASURER,
M. K. GANDHI, SECRETARY

[From Gujarati]
Indian Opinion, 23-11-1907

291. LETTER TO MANILAL GANDHI

JOHANNESBURG,
November 21, 1907

MY DEAR MANILAL,

I do not think that I have ever before written you in English. To-day, I must perforce do so, instead of writing in Gujarati. I am sending the *Ramayana* and verified[2] *Gita* to-day. Please have the *Ramayana* properly bound. See that it is not afterwards damaged. You should learn to use books, as well as everything[3] you have, with care. Next time I

[1] *Vide* Appendix VII.
[2] Versified?
[3] The original has "easy thing".

come there I hope to examine you and to receive satisfaction. You should know most of the gaol verses[1] by heart. Maganlal should really coach a choir. There should be no difficulty in giving a short time now and then to such work. You can suggest it to him. Read this letter to him. Please let me know what use you are going to make of the *Ramayana*. Who is going to explain the meaning, or do you propose[2] to read the verses without understanding them?

Yours sincerely,
MOHANDAS

From the typewritten original signed by Gandhiji: C. W. 82
Courtesy: Sushilabehn Gandhi

292. LETTER TO G. K. GOKHALE

JOHANNESBURG,
November 22, 1907

DEAR PROFESSOR GOKHALE,

I have sent a letter[3] addressed to you through Mr. Ameeroodeen Fajandar, one of the delegates from the Transvaal who will attend the Congress at Surat. May I draw your attention to the fact that the struggle we are undergoing here has resulted in making us feel that we are Indians first and Hindus, Mahomedans, Tamils, Parsees, etc. afterwards. You will notice, too, that all our delegates are Mahomedans. I am personally glad of the fact. And it may also happen that there will be many Mahomedans, having South African connections, attending the Congress. May I ask you to interest yourself in them and make them feel perfectly at home? A Hindu-Mahomedan compact may even become a special feature of this Congress. The rest of the struggle you know from the papers.

Yours sincerely,
M. K. GANDHI

From a photostat of the typewritten original signed by Gandhiji : G.N. 4109

[1] Published in Gujarati under the title *Jail-na Kavyo*
[2] The original has "your purpose".
[3] *Vide* "Letter to G. K. Gokhale", p. 357.

293. LETTER TO "THE TRANSVAAL LEADER"

[JOHANNESBURG,
Before *November 23, 1907*]

[THE EDITOR
THE TRANSVAAL LEADER
JOHANNESBURG
SIR,]

I had the privilege of being present at the trial of my co-priest Ram Sundar Pundit. A thought struck me most forcibly, that there must be something radically wrong in the laws of the Transvaal. As everyone now knows, I struck Imam Kamali in the heat of the moment for what I considered was a breach of the Koranic injunctions. I was fined £5 for it, with the option of imprisonment. An unkind friend, who is good enough to describe himself as my disciple, paid the fine, and I escaped gaol. I struck again Mahomed Shahboodeen, who, in his evidence, admitted he had broken his oath on the *Koran*, and said my striking him was as from father to son. An indulgent court, therefore, let me off with the warning that I may at any time be required to come up for sentence.

Ram Sundar Pundit, who has, so far as I am aware, and I know something of him, never hurt anybody, was sentenced to be imprisoned for one month, because he did not hold a piece of paper authorising him, a British subject, to cater for the religious wants of his fellow-countrymen in a British Colony.

According to what I have always understood, if any man deserved gaol, it was I, and yet it was possible for somebody to buy what he thought would be freedom for me; whereas Ram Sundar Pundit must be shut out for one month practically from all intercourse with those whom he has been in the habit of meeting every day, and cut off from his religious work. The thought shakes me to the marrow. I feel that I am in gaol and Ram Sundar Pundit is free. May God give him peace and courage.

[*I am, etc.,*
MAHOMED SHAH]

Indian Opinion, 23-11-1907

294. *PUNDITJI'S PATRIOTIC SERVICE*

The service that Ram Sundar Pundit has rendered by going to gaol is such that no service by any other Indian remaining outside can equal it, however great that Indian may be. Punditji has opened the gates of our freedom. All of us can enter by that gate. The Congress President is right in saying that by going to gaol, Punditji has sanctified it. All innocent people who go to gaol make it holy.

We think Punditji and his family are fortnnate. His fame has spread throughout South Africa. It will spread in India too. This is the result of real service. It is a real service, we think, that Punditji has rendered by unhesitatingly offering himself as sacrifice for the sake of the country.

What will the community do now? This question can have only one answer. If, after sending Punditji to gaol, any Indian submits to the obnoxious law, we do not think he deserves the name of man. The fight that we have taken up is not a children's game. There can be no immediate fruits of success to enjoy. What we wish to achieve is no ordinary thing. We shall have to undergo sacrifices worthy of it. We shall have to go to gaol in such numbers and till such time as may be necessary to convince the Government that we are in earnest and not merely making an outward show.

This case has proved that the Government's talk of being able to deport [people] was baseless. Weak-kneed Indians need particularly to bear this fact in mind.

The biggest gain that we see from Punditji's case is that Hindus and Muslims have become completely united. Both have realized that this work concerns all Indians. We shall be content if it is said that this has been the only gain of this struggle and of this case.

[From Gujarati]
Indian Opinion, 23-11-1907

295. *TRIAL OF PICKETS*

In the case of the pickets arrested in Pretoria, we have won an unexpected success. No one had expected that they would not even be examined. During the trial, the witness for prosecution himself admitted that no one had assaulted Lutchman. This case shows that the Government has lost its strength. It has therefore grown desperate. It is laughed at by its own newspapers.

We earnestly hope that the courage shown by the pickets will be shown by others as well.

[From Gujarati]
Indian Opinion, 23-11-1907

296. DELEGATES TO CONGRESS

The resolution passed by the Transvaal British Indian Association to send delegates to the [Indian National] Congress deserves to be welcomed. The strong appeal that will be made at the Congress by the five prominent businessmen from here attending it cannot but have some good effect. That appeal will have been made at the right time, that is, when many Indians in the Transvaal will be enjoying the luxury of gaol.

There is a heavy responsibility on the delegates. They should carry on a vigorous campaign throughout India. Mr. Ameeroodeen, who goes after having seen things for himself here, has the heaviest responsibility. Even after the Congress is over, they will have much work to do.

We intend to publish a photograph of Mr. Ameeroodeen in the next issue.

[From Gujarati]
Indian Opinion, 23-11-1907

297. WHEN WILL CAPE INDIANS WAKE UP?

We have repeatedly said that there is an urgent need for Indians in the Cape to wake up. We gave an account in the last issue of the efforts being made there to prevent licences being issued to Indians. In view of this, we ask the Cape Indians once again how long they will remain asleep. Only a little while ago, we were obliged to point out that the Indians must thank their own indifference for the tyranny of the Cape Immigration Act. After that, there were some signs of awakening but it seems the awakening has again subsided. In the result, while the hardships of immigration yet remain to be overcome, they find the problem of licences staring them in the face. We must say that, even for the loss of the right of appeal to the Supreme Court, Indians themselves are for the most part responsible. On that question it was necessary for the people in the Cape to take a lesson from the conditions in Natal and put up a strong fight. But it is to be regretted that this was not done. They remained altogether indifferent while the Bill was before the Parliament. It needs to be dinned into the minds of

Indians in South Africa that, having come to this country, they cannot afford to be asleep all the time. We are living here surrounded by an armed camp. All people are against us. If we remain idle and do not look after the interests of our community, we and our descendants will very likely be reduced to a miserable plight in future. Hence, we again ask our brethren in the Cape to be alert on this question from today, lest the enemies who have been giving them pin-pricks every now and then and are determined to uproot them altogether reduce them to the condition now prevailing in the Transvaal.

[From Gujarati]
Indian Opinion, 23-11-1907

298. JOHANNESBURG LETTER

Ram Sundar Pundit's Case

A question has been raised whether this case was tried under the new law or the old one, but it is quite easy to decide this. The summons issued to him itself quoted Section 17 of the new law, and if that Section were not applicable, Punditji could have been defended along another line. Moreover, the readers of this paper know that, even in the letter which Punditji wrote, he had stated that he was also unable to take out a temporary permit under the new law. Hence, in my judgment, this case falls under the new law. Not only that, it is a case which very much strengthens our hands. For, it has covered many legal points. There was an attack on religion! Moreover, it has been shown how absurd was the reason for not extending the permit. And, in any case, Punditji is considered to be one of the leaders which means that they have laid hands on a leader. Besides, he is a priest and, therefore, not likely to have interfered with anyone. In view of all these facts, the case can obviously be regarded as a very strong one. That is the impression made on the minds of the whites, too.

Comment in "Pretoria News"

Commenting on this, *Pretoria News* says:[1]

> There seems to be no very good reason for suddenly declining to permit the Hindus the ministrations and consolations of their religion. By all accounts, if Mr. Smuts carries out his threat to enforce the law, they will need these consolations to fortify them in the difficult time through which they will have to pass. It seems to us that the Government has blundered. It is a mistake to make martyrs, especially religious martyrs, and Mr. Pundit today is a religious martyr upheld by a conscientious belief that he is doing right, and supported by the

[1] The text given here is from the original English as reproduced in *Indian Opinion*, 23-11-1907.

applause and admiration of his countrymen and co-religionists. Quite what the Government has gained is difficult to see.

We see now that as a result of the case against the Pundit, the sympathies of the whites, too, have been drawn towards Indians. The case is considered so important that the local newspapers have devoted much space to it.

More Sympathy

There is a letter in the newspapers by Mr. Phillips, who is a prominent personality in Johannesburg, is himself a priest and President of the Association of Clergymen; the letter is worthy of note. He welcomes the offer of voluntary registration by Indians and recommends its acceptance by the Government. We reproduce the letter[1] elsewhere.

Further, Mr. MacIntyre writes in the *Leader* that here only criminals are required to give ten finger-prints, and that if the Government were to abandon the idea of ten finger-prints, there would be an annual gain to it of £500. Thus, we are receiving support from all sides. If voluntary registration is accepted and the taking of ten finger-prints is dropped, we get all that we ask for.

Case against Pretoria Pickets

Commenting on this case, *Pretoria News* writes as under:

> The Government scored nothing over the case of Ram Sundar Pundit, and it scored less over the arrest of certain pickets in Pretoria on Thursday. This case has proved beyond any doubt that it is not the pickets who use threats; rather, it is the Government that uses intimidation to get people to register.

If, in spite of these signs, there is any Indian who blackens his face, he will definitely not deserve the name of Indian.

Strike

When Punditji was sentenced to gaol, shops everywhere in the Transvaal remained closed. The hawkers stopped going on their rounds. Newspaperboys stopped selling newspapers, unmindful of loss. The news agency refused to give them copies the next day. This made the subscribers angry. The newspaperboys had to write letters of apology to their patrons, and even now their difficulties have not come to an end. While, on the one hand, the whole body of people was prepared to suffer loss, on the other hand, there was a businessman in Offerton, Mr. Kamalkhan by name, who kept his shop open. Likewise in Heidelberg, Messrs Khota, Abou Mian Camroodeen and Adam Mamuji kept their shops open. This has caused resentment in the whole of the Indian community.

[1] Not reproduced here

Congratulations to Blacklegs

I have had to write bitter things about Mr. Khamisa and his friends. I am glad that I have now got an opportunity to give them compliments. Mr. Khamisa and all others who had their hands and faces blackened kept their shops closed for the sake of the community. Everyone did the same in Pietersburg. This fact proves that a mass of water cannot be divided into two by striking at it with a stick. It can never happen that the people of the same country will be altogether divided against one another. When the poison of self-interest disappears, the bond of sympathy for the community cannot but assert itself.

Chamney's Pranks

There are people who cannot do anything good. At present, Mr. Chamnĕy is in such a state of mind. By harassing us under some pretext or other, that gentleman wants to make us take out registers. His latest performance is that he has made arrangements with the blind Portuguese Government to have those who do not take out permits subjected to harassment. A notice is displayed in the office of the Portuguese Consul to the effect that an Indian wishing to go to India *via* Delagoa Bay will be given a permit to enter Delagoa Bay only if he produces the new register and, in case he does not do so, only if he declares in writing that he does not intend returning to the Transvaal. This is mere harassment. It shows that they want to make Indians take out the new registers by holding out all kinds of inducements. There is nothing else, by way of compulsion, that is likely to succeed. The Indian community will not get frightened if permits for Delagoa Bay are not issued. Those who wish to go to India by some other route will be able to do so. Even then, efforts are being made for this.

Suggestion by "The Transvaal Leader"

The Transvaal Leader suggests that the Government should meet the leaders of the Indian community and find a compromise on the question of the law in consultation with them. The Government will regret it later if it does not arrive at such a compromise. The reader should remember that the *Leader* is a very influential paper in the Transvaal.

Shahji Saheb's Bravery

Shahji Saheb has felt much concerned at Punditji's imprisonment and he has therefore written the following letter[1] to the newspapers:

Sir,

I was present at the trial of my co-priest Ram Sundar Pundit. A thought struck me most forcibly, that there must be something radically wrong in the

[1] For the original text, *vide* p. 377, with which the translation given here has been collated.

laws of the Transvaal. As everyone now knows, I struck Imam Kamali in the heat of the moment for what I considered was a breach of the Koranic injunctions. I was fined £5 for it, with the option of imprisonment. An unkind friend, who is good enough to describe himself as my disciple, paid the fine, and I escaped gaol. I struck again Mahomed Shahboodeen, who, in his evidence, admitted he had broken his oath on the *Koran*, and said my striking him was as from father to son. An indulgent court, therefore, let me off with the warning that I may at any time be required to come up for sentence.

Ram Sundar Pundit, who has, so far as I am aware, and I know something of him, never hurt anybody, was sentenced to be imprisoned for one month, because he did not hold a piece of paper authorising him, a British subject, to cater for the religious wants of his fellow-countrymen in a British Colony.

According to what I have always understood, if any man deserved gaol, it was I, and yet it was possible for somebody to buy what he thought would be freedom for me; whereas Ram Sundar Pundit must be shut out for one month practically from all intercourse with those whom he has been in the habit of meeting every day, and cut off from his religious work. The thought shakes me to the marrow. I feel that I am in gaol and Ram Sundar Pundit is free. May God give him peace and courage.

Sympathy from Cape Town

The African Indian Association at Cape Town has sent a telegram to the [British Indian] Association expressing its concern and sympathy, and has also sent a telegram to the High Commissioner saying that he should intervene, that the grievances of Indians should be redressed and that Ram Sundar Pundit should be released. Such telegrams have been received from many places and I intend to give the names of the places and the contents of the telegrams next week.

Telegram to Ameeroodeen

Mr. Ameeroodeen's partner, Mr. Abdool Gafoor, has sent the following telegram to him:

> Your responsibility is great. Do your duty with courage. Build high hopes on you. India's prestige depends on the struggle here. Do not rest till we become free and the freedom of our descendants is assured.

Desperate Efforts of Registration Office

Lutchman, who gave evidence in the case against the pickets, was arrested for giving false evidence. In fact, there was no case. Hence he was let off. But Lutchman's case shows that any Indian who goes to take out a register will bring disgrace to his community and will put his fellow-countrymen into trouble, and yet he himself may not be saved. This case has turned out to be exactly like that of Karim Jamal.

[From Gujarati]
Indian Opinion, 23-11-1907

299. SPEECH AT HAMIDIA SOCIETY MEETING

[JOHANNESBURG,
November 24, 1907]

Mr. Gandhi spoke about the ability of the delegates[1]. He said that since there would be other speakers at the session, there was no need at present to incur further expenditure. Because of the paucity of funds, the question of nominating additional delegates would have to be dropped. Time was also short. As regards the Punjabis and the Pathans, a communication would soon be addressed to Lord Selborne. Mr. Gandhi exhorted the Turks to remain steadfast. The whites had held a meeting and it appeared from a report of it that the Government was getting exhausted. If the community remained firm, every white would come over to their side. The deputation of whites would leave in December. The Government doubted whether the Indians would definitely hold out to the end. But Mr. Gandhi argued that those who worked with courage and faith in God were bound to succeed. Then, speaking of the courage of the Pretoria pickets, he said that Major Fuge continued seeing the pickets every day. Mr. Cody tried to dissuade him from doing so, but he would not listen to anyone. And so on.

[From Gujarati]
Indian Opinion, 30-11-1907

300. PETITION TO GAEKWAR[2]

[JOHANNESBURG,]
November 25, 1907

TO
HIS HIGHNESS THE GAEKWAR [OF BARODA]

1. Your Petitioners are Your Highness' subjects, and have migrated to the Transvaal for earning an honest livelihood.

2. Your Petitioners have most of them a large stake in the Transvaal.

[1] To the forthcoming session of the Indian National Congress

[2] This was sent by "the subjects of His Highness the Gaekwar...residing in the Transvaal" and was published in *Indian Opinion*, 30-11-1907. A copy of the petition was forwarded by L. W. Ritch to the Under-Secretary of State for the Colonies on December 23, 1907.

3. Your Petitioners venture respectfully to draw Your Highness' attention to the Asiatic Law Amendment Act passed by the Transvaal Parliament.

4. As protected British subjects and in common with other British Indians in the Transvaal, your Petitioners have, as perhaps Your Highness may be aware, already approached the Imperial Government.

5. Your Petitioners attach hereto copy of the submission made to the Right Hon'ble the Secretary of State for the Colonies in connection with the Act, wherein are set forth all the objections.

6. As Imperial intervention has been directly refused and as the law in question is considered exceptionally humiliating and insulting and as your Petitioners are bound by a solemn oath not to submit to the Act, they have entered upon what has been termed a passive resistance crusade and have risked the loss of all their belongings. The Local Government have threatened imprisonment, deportation and other penalties, all [of] which your Petitioners consider are bearable and worth suffering in preference to bearing the yoke imposed by the Act above mentioned.

7. In the humble opinion of your Petitioners, it will strengthen the hands of the Imperial Government as also the Indian Government and it will encourage your Petitioners very greatly to receive Your Highness' sympathy and active intervention.

8. Your Petitioners, therefore, respectfully trust that Your Highness will extend to them your protection in any manner that may be considered desirable; and for this act of justice and mercy your Petitioners shall, as in duty bound, for ever pray, etc.

Colonial Office Records: C.O. 291/122

301. *PETITION TO HIGH COMMISSIONER*[1]

[JOHANNESBURG,
Before *November 26, 1907*]

TO
HIS EXCELLENCY THE HIGH COMMISSIONER FOR SOUTH AFRICA

THE PETITION OF THE UNDERSIGNED HUMBLY SHEWETH THAT:

1. Your Petitioners are old Indian soldiers, and represent 43 Panjabi Mahomedans, 13 Sikhs, and 54 Pathans.

[1] On behalf of 115 Indian ex-soldiers, Gandhiji sent this with the "Letter to High Commissioner", pp. 412-3. A copy of the petition was forwarded by L. W. Ritch to the Under-Secretary of State for the Colonies on December 23, 1907.

2. Your Petitioners are all British subjects, and were most of them brought to the Colony in connection with the Transport Corps raised at the time of the late war. When your Petitioners came to South Africa, they were told by their officers that it would be possible for them, at the end of the war, to settle in any part of South Africa and to receive honourable employment.

3. Some of your Petitioners have fought under the British flag during the Chitral Expedition[1], the Tirah Campaign[2], and other expeditions.

4. Your Petitioners are mostly holders of permits and registration certificates issued to them under the Peace Preservation Ordinance and Law 3 of 1885. Your Petitioners are not pre-war residents of the Transvaal, but were granted permits in exchange for discharge certificates issued by their respective officers.

5. With the exception of a few, all are at present without employment, largely because of the struggle against the Asiatic Registration Act. In some cases, their employers have dismissed them for non-registration, and, in other cases, on application for employment, your Petitioners have been told that they could get it, if they allowed themselves to be registered under the new Act.

6. In the humble opinion of your Petitioners, it is not possible for them to submit to the Asiatic Act, inasmuch as it subjects them to humiliation never experienced by them in India, and reduces them to a state which is incompatible with their self-respect and dignity as soldiers.

7. Your Petitioners are quite willing before any officer who may be appointed to give evidence as to their having, as loyal British subjects, served the Empire.

8. Your Petitioners cannot return to India and find the wherewithal to support themselves.

9. Your Petitioners now venture respectfully to claim Your Excellency's protection in your capacity as High Commissioner and trustee of Imperial interests in South Africa.

10. Your Petitioners, therefore, respectfully pray that Your Excellency will be pleased to secure them such relief as may be possible under the circumstances, and for this act of justice and mercy, your Petitioners shall, as in duty bound, for ever pray.

[*We have, etc.*,
NAWAB KHAN
FAZALI ILAHI]

Colonial Office Records: C. O. 291/122

[1] In 1895

[2] In 1897-8

302. LETTER TO ALL-INDIA MUSLIM LEAGUE PRESIDENT

[JOHANNESBURG,
Before *November 26, 1907*]

[THE PRESIDENT
ALL-INDIA MUSLIM LEAGUE
CALCUTTA

SIR,]

I have been asked by my Society to approach you with reference to the struggle, in which my Society, in common with other Indian associations in the Transvaal, is engaged, in connection with the Asiatic Registration Act.

I have no doubt that you have seen the circular letter[1] addressed to Indian Mahomedans by the Hamidia Islamic Society. We have approached all Indian associations without regard to their local political colour. On the question of the status of British Indians in the Transvaal under the Asiatic Act, there is no difference of opinion; and it is felt that there should be a united and emphatic protest against the humiliating treatment to which we are subjected.

My Society, therefore, ventures to trust that you will be good enough to move the League in favour of British Indians in the Transvaal.

[*Yours, etc.,*
EMAM ABDOOL CADIR SALIM BAWAZEER
ACTING CHAIRMAN,
HAMIDIA ISLAMIC SOCIETY]

Indian Opinion, 30-11-1902

303. JOHANNESBURG LETTER

[*Tuesday, November 26, 1907*]

ACCOUNTS OF ASSOCIATION

These accounts[2] are published along with the advertisements, and I bring them to the notice of every Indian in the Transvaal. It can be seen from them that the Association is now left with a sum of £140.18.1 only. Moreover, £25 out of this was given by Mr. Allbret. The Association has undertaken a Hereulean task. Compared to that

[1] *Vide* "Appeal to Indian Muslims", p. 177.
[2] *Vide* Appendix VII.

task, the money is very little. We do not know of any other body working as economically as this Association. Its recurring expenditure is under £10. But now there will be increased expenditure on account of telegrams, etc. There is no expenditure on account of rent. Mostly, the burden of expenditure is being borne by Johannesburg. If the example of Rustenburg is followed by other places, even that will bring a little relief to the Association. Only recently, a sum of £15 was received from Rustenburg. Its example deserves to be emulated by other towns.

How They Besiege Us

I have already pointed out how Mr. Chamney has seen to it that we find it difficult to go to Delagoa Bay. It appears that now there is a threat at Volksrust. We hear it suggested that the Indian who wants to pass through Natal should have his permit examined at Volksrust or Charlestown. His thumb-impression should be taken before he is allowed to proceed. The object behind this is that a record can be maintained of those who go to India in the course of the struggle. It will be possible then to harass them when they return. In this connection, I should like to give a warning that no one is bound to show his permit when leaving the Transvaal. Even a thumb-impression is not to be given. Neither of these things is objectionable in itself. But if the Government wants to harass us, it should not be allowed to do so. All these annoyances are incidental to a struggle. They need not frighten us. The question as to what will happen now ought not to occur to us at all.

Example of Heroism

Mr. Mahomed Moosa Parekh writes from Newcastle that he will take up residence at Wakkerstroom before December next specially with the object of defying the law. He adds:

> What would it matter even if a thousand such [Registration] Offices were set up? No one who has sincerely taken an oath once in the name of God, and with faith in the truth of his Prophet, will ever carry the burden of slavery on his head.

I wish Mr. Parekh and all other Indians maintain such spirit till the end.

Asiatic Eating-houses

The reader will remember that the Municipality had framed regulations on this subject requiring the appointment of a white deputy. The Association had made a representation against this. The Government has now ordered the regulations to be amended and the Municipality has agreed to do so.

Regulations Concerning Cabs

It was being talked about for a long time that a regulation should be made prohibiting a black person from riding in a first-class cab. Now the Municipality has passed such a regulation. It provides that a black barrister or physician can use such a cab. This means that a black barrister in rags or one who is drunk can ride in a first-class cab, but a wealthy and well-dressed Indian merchant cannot! Moreover, a barrister may ride in it, but not his wife and children. There is no limit to the stupidity of the people who make such laws. The Association has sent a representation to the Government against this regulation.

Resolution of Stanger Indians

Meetings have been held and resolutions passed at many places in connection with Ram Sundar Pundit's imprisonment. This happened in Stanger, too. The Association has received telegrams of sympathy under the signatures of Mr. Dawad Mahomed Sidaat, Mr. Ahmed Moosa Metar, Mr. Manilal Chaturbhai Patel and Mr. Ahmed Mitha.

The Association has not been able to send letters of thanks to all those who have sent telegrams and passed resolutions, for it was impossible to do so. Moreover, where people do a certain thing as a matter of duty and with a patriotic motive, no thanks are necessary. This is not the time for mutual compliments or expression of thanks. Recognition of duty done itself amounts to thanks.

Kholwad Madressa

Mr. Gulam Mahomed Ajam writes from Bombay that he has received a sum of £921.10.0. He is looking about for a building to be purchased with that money. But he finds the sum too small to buy a good house with. He has also received the deed of trust and power of attorney.

Licences in Mining Area

The Government had refused, under the Gold Law, to issue licences at Johannesburg and other places, and a situation had arisen in which it would have been necessary to take the matter to a court of law. But now another communication has been received from the Government saying that in view of the struggle against the new law, it does not want to fight on that question, and that a licence will be issued to anyone who applies for it. This reply is noteworthy. The Government is afraid of incurring odium by launching such cases. Will it not be afraid of incurring odium when putting 7,000 people into gaol?

Meeting of Konkanis

A meeting of Konkanis was held on Sunday last to find out if they were all firm. They met in the Hamidia Hall. Mr. Malim Mahomed

took the chair on the occasion. Mr. Abdool Gani said in his speech that he was determined not to yield till the last. He would not break the oath which he had joined in administering to others. Speeches were made at the meeting by Mr. Ismail Khan, Mr. Shahboodeen Hasan, Mr. Hasan Mian (of Roodepoort), Mr. Abdul Gafur and others, and they all expressed the same view that they should not submit to the law, whatever the cost. Even in regard to the question that was raised whether everyone working in a shop should get himself registered or not, the previous decision was reiterated, namely, that it was not at all necessary to do so.

Collecting Funds for Congress

The collections here for the [Indian] National Congress have exceeded £50. There may be still further contributions. I shall send the list next week. Out of the sum mentioned above, £25 is sent to Mr. Ameeroodeen for the present. If more were needed, it was resolved to send up to £50. Some expenditure was also incurred in sending cables from here to India about the delegation. All these accounts will be published.

Apathy of Delagoa Bay Indians

I see from the newspapers here that, if the Indian community at Delagoa Bay does not become alert, it will be reduced to a miserable plight. The Chamber there has resolved that henceforth Indians will not be allowed to vote. If the Indians there continue to put up with all this without any protest, it will be a great disgrace. Moreover, efforts are being made to put obstacles in the path of Indians going there from the Transvaal. It would be good if these things put a little courage into Delagoa Bay Indians. We strongly urge all Indians having contacts with wealthy people there to go on writing to them.

Petition to Gaekwar

The subjects of His Highness the Gaekwar have submitted the following petition to him in connection with the new law, signed by nearly 150 persons.[1]

What Should be Done in December?

Many of our readers will be eager to read the answer to this question. I have reserved the question for the last place in my letter, but it would have deserved the first.

What can be Done

Before deciding what should be done, let us consider what can be done. We have seen that the Government has no authority to expel

[1] *Vide* "Petition to Gaekwar", pp. 384-5.

us with physical force. The only thing that remains is putting us into gaol. Under Section 8 of the Act, the police can demand the new register from every Indian. If he does not have it, he can be produced before a magistrate. There he will get a notice to leave the country within a specified period. When the order is disregarded, the person will be arrested again, and can be sentenced to imprisonment for up to six months. When a person is tried under this Section, the magistrate has no power to impose a fine. If we read the Act, we shall find that the court can order anyone to apply for the register. Instead of trying a person in this manner, the Government can also prosecute him for not making such application. The penalty for the offence of not making an application is a fine of £100 or imprisonment. The Government can deal with every Indian in this manner, which means that every Indian can be put into gaol. But there is a great difference between being able to do something and actually doing it. I dismiss as impossible the idea that the Government can arrest every Indian and put him into gaol.

Some Arrests Certain

But some Indians will definitely be arrested. I believe that the first round of arrests will include a hundred people at the most.

Testing Our Mettle

It is likely that a few Indians will be arrested at every place with a view to testing our mettle. If that happens, our struggle will come to an end earlier. If there are simultaneous arrests at every place, people should not get into a panic. If such arrests take place, it will not be possible for Mr. Gandhi to go everywhere. There will be no need for him to do so. Immediately a person is arrested, a telegram should be sent to the Association (BIAS) at Johannesburg.

No Application for Bail

The arrested person must not offer bail. A lawyer is also not to be engaged. When he attends the court on the day of hearing, he should state:

I oppose the law. I am a *bona fide* resident of the Transvaal. I hold a genuine permit. Under this law we cease to be human beings. We also lose our religion. I will not therefore submit to it. Our whole community is against it. If the Government serves me with a notice to leave, that also will not be complied with. Hence, whatever penalty is to be inflicted on me may be inflicted just now. If a notice has to be given, it may please be as short as possible.

This should be said by the person himself through an interpreter.

Notice Will be Served

Thereupon, the chances are that a notice will be served. Even after the expiry of the period of notice, no lawyer will be needed. The person concerned will remain free till the notice-period expires. During that time, he may make whatever arrangements he thinks necessary concerning his personal affairs.

After Expiry of Notice-period

After the expiry of the notice-period, he will be arrested again. No further statement is to be made on this occasion. He should only say: I have nothing to add to what I stated earlier. He should then go through whatever sentence is inflicted. People who remain outside should immediately send a telegram about the sentence given. The telegram should contain particulars of whether the person has a family, where it lives, whether he has left it to the community to provide for its maintenance or whether he has resources of his own, etc.

It should be remembered that, wherever necessary, the dependants [of the arrested person] will be maintained by the community till the day of his release from gaol. The best thing will be for every place to assume responsibility for its own people, just as the responsibility for the family of Ram Sundar Pundit was assumed by the Indians of Germiston. But if this is not possible, the Association will certainly make some arrangements.

If they do not strike at Johannesburg and, consequently, Mr. Gandhi is not occupied there, he will run up to any place where Indians (*bona fide* residents) may have been arrested and he will not charge fees [for their defence]. It will be proper for the place concerned to meet his travelling expenses. Even if this is not done, the Association will pay them and Mr. Gandhi will make himself available at that place.

There is no need to say anything about the business of a person sent to gaol. He will have made arrangements in advance for it. The Government will not be able to force anyone to close down his shop. Nor can it auction his goods to recover the fine. It also does not appear likely that all the persons in a shop will be arrested at the same time. Even while in gaol, one can look after one's business: one may write letters or send messages.

What Should Those Who Remain Outside Do?

After one or more fellow-Indians are taken to gaol, those left behind should mark time outside. That is the best way. If anyone gets into a fright and runs off to get himself registered lest he himself be attacked, he will have proved himself an enemy of the country and brought disgrace to the Indian community.

Real Test

This will come only when the people, instead of growing nervous on account of the leaders having been arrested, will be further emboldened to defy the law. It should be distinctly remembered that only when this is proved beyond doubt will the law be repealed.

On December 2

On December 2 Indians need not keep themselves confined within the four walls of their houses. Hawkers need not get frightened and stop going on their rounds; they must come out fearlessly to attend to their business. On that day and on the days following, people must go on with their work as usual as if nothing has happened. This is a struggle for freedom. Hence courage will be required at every step. Without courage, then, there can be no success.

Haloo's Turn-about

Mr. Haloo has apologized [at a meeting] in a mosque for having blackened his face and has sent the following letter[1] to the Registrar:

SIR,

I beg respectfully to return herewith the registration certificate granted to me on the 12th day of October, 1907. In doing so, I am quite aware that it is not possible for me to cast off the yoke of the Act I have undertaken to bear; but that is, under the circumstances in which I am placed, the least I can do. Indeed, when I went to your temporary office in Von Brandis Square, Johannesburg, I had conflicting emotions—on the one hand was my creditor pressing me to submit to the Act or threatening to sell me out; on the other was the shame I would have to incur by reason of my submission. But I did not then realize the magnitude of the shame; I yielded to the threat.

I now see that my existence has become intolerable. I am shunned by my countrymen and my co-religionists. My sister and my other relations write to me disowning me entirely and telling me that, in breaking my oath that I had solemnly taken, I have become an unfit member of my family. Even if I should retain my possessions, I see that they would be more a burden to me than anything else, with all those who have associated with me and with whom I had the privilege of associating putting me outside their pale. I was one of those who at the mass meeting at Pretoria on the 31st July last inveighed against the weak-kneed Memons for having yielded to worldly temptation and broken their solemn obligation and accepted the slavery of the Act. When the same trial stared me in the face, I yielded. The result of it I cannot undo, but in returning this certificate, I derive the satisfaction of having regained to a certain extent my conscience.

I only trust that my example will be a warning to my other countrymen, and that they will never even look at your Office, so long as it is the Registration Act which you may administer.

[1] The original has been reproduced here from the English section of *Indian Opinion*, 30-11-1907.

Moreover, while sending this letter to the newspapers, Mr. Haloo has also stated that the report that had appeared in some of them about his dog having been poisoned was false.

Hamidia Islamic Society's Letter

This Society has addressed the following letter to the President of the All-India Muslim League:[1]

> My Society invites your attention to the question of the Asiatic Act. You must have seen the circular letter addressed to Indian Mahomedans by the Hamidia Islamic Society. We have approached all Indian associations without regard to their local political colour. On this question there is no difference of opinion, and it is felt that there should be a united and emphatic protest in this connection. My Society, therefore, trusts that the All-India Muslim League will protest against the Act.

What has Happened to Deputation of Whites?

I have already reported that some whites intended taking a deputation to the Government. The deputation has not gone till now, which has made some Indians impatient. I must say that this impatience is a sign of fear. What difference will it make whether the deputation is taken or not? We depend on our own strength. But, with a view to reassuring the timid, I may state that preparations for the deputation are going on. They are only eager to know what stuff we are made of. That cannot be known before December; that is why the deputation has not gone yet. However, one should not be surprised if those who depend only on outside help are disappointed.

Case against Picket

Mr. P. K. Naidoo, who was a picket, had a violent altercation with another Madrasi about registration. The Madrasi was beaten up because he had taken out a register. Mr. Naidoo's case came up for hearing today (Tuesday). He was fined £10. The fine was paid by his friends. Commenting on this, the magistrate said that since the case related to the question of registration, he should in fact have been sentenced to imprisonment instead of a fine. My own sympathies are not in the least with Mr. Naidoo. Such cases only do harm to us. There is no place in this struggle for the use of force. Besides, paying a fine for getting released was still worse; that the fine was paid by friends involves them also in disgrace. Those who want to prevent people by force from getting themselves registered do not understand the nature of this grand, religious-cum-patriotic struggle.

[1] What follows, however, is a summary. For the original, *vide* "Letter to All-India Muslim League President", p. 387.

Petition by Punjabis

The Punjabis have addressed a petition to Lord Selborne which we translate below:[1]

> Your Petitioners are old Indian soldiers, and represent 43 Punjabi Mahomedans, 13 Sikhs, and 54 Pathans.
>
> Your Petitioners are all British subjects. and were most of them brought to the Colony in connection with the Transport Corps raised at the time of the late war. When your Petitioners came to South Africa, they were told by their officers that it would be possible for them, at the end of the war, to settle in any part of South Africa.
>
> Some of your Petitioners have fought under the British flag during the Chitral Expedition, the Tirah Campaign, and other expeditions.
>
> With the exception of a few, all are at present without employment, largely because of the struggle against the Asiatic Registration Act. In some cases, their employers have dismissed them for non-registration, and, in other cases, your Petitioners have been told that they could get employment if they allowed themselves to be registered under the new Act.
>
> In the humble opinion of your Petitioners, it is not possible for them to submit to the Asiatic Act, inasmuch as it subjects them to humiliation never experienced by them in India. How could they sacrifice their self-respect and dignity as soldiers?
>
> Your Petitioners cannot return to India and find the wherewithal to support themselves.
>
> Your Petitioners now venture respectfully to claim Your Excellency's protection in your capacity as High Commissioner and trustee of Imperial interests in South Africa.
>
> Your Petitioners, therefore, respectfully pray that Your Excellency will be pleased to secure them such relief as may be possible under the circumstances.

Memorial Meeting of Chinese [*Wednesday*]

The Chinese Association held a memorial meeting today (Wednesday) to commemorate the Chinaman who had committed suicide. No one present at the meeting could help feeling admiration for the Chinese. Their beautiful hall was adorned with black cloth. On one side in the hall there was a photograph of the Chinaman who had died. In the centre were standing all those who had served as pickets. Surrounding them on all sides were chairs which were occupied by invitees. About a thousand Chinese, with flowers in their hands, gently passed by the photograph, praying for the soul of the departed one, and went out through the door opposite. All these men were neatly dressed. Then they sang dirges in Chinese, after which there was a meeting in another hall. The hall was packed to capacity and the chairman, Mr. Quinn, made a speech in Chinese and English. He

[1] For the original, *vide* "Petition to High Commissioner", pp. 385-6. It has been given here with some changes needed to bring it into conformity with the Gujarati version.

was followed by Mr. Gandhi and Mr. Polak who commented upon the law. The meeting was then dissolved. Their unity, neatness and courage—all these three things deserve to be emulated by us.

ASSAULT IN PRETORIA

A case is going on against a Pathan, named Banutkhan, for having assaulted Mr. Hajee Ebrahim, who is a blackleg. Full reports about it have not yet arrived. But it appears that Banutkhan dealt a blow with a stick to Mr. Ebrahim for having taken out a register and broken the oath. Hajee Ebrahim tossed him to the ground and pressed him down. To get free from his clutches, Banutkhan bit Ebrahim on the cheek. At first the amount of bail for Banutkhan was fixed at £100, for Mr. Chamney had reported that Banutkhan had threatened him too. Half-way through the proceedings, the amount of bail was reduced to £50. The magistrate fined Banutkhan £20 and he has paid the amount.

LETTER FROM MANILAL DESAI

Mr. Manilal Desai, the chief picket at Pretoria, has sent a letter to the newspapers stating that the pickets do not at all assault people or use force, but only explain the subtle implications of the law with gentleness and in a friendly manner, and point out the hardships caused by it.

[From Gujarati]
Indian Opinion, 30-11-1907

304. SPEECH AT CHINESE ASSOCIATION[1]

[JOHANNESBURG,
November 27, 1907]

He said that it seemed like profanity to discuss the Act on such an occasion; yet, as the Chairman had set the example,[2] he could not but follow it, especially as the ceremony at which they had so recently assisted was so intimately connected with the Act. He had often heard it remarked that the Chinese people did not value human life as other people did, but if he at any time had any illusions on that point, they were set at rest after what he had seen that afternoon. He wished General Smuts could have attended the gathering to witness the great ceremonial through which they had passed. He thought, in that case, that General Smuts would have thought twice before saying he had put his foot down and was going to keep it there. He (Mr. Gandhi)

[1] A memorial service was held for Chow Kwai, a Chinese who, feeling the degradation of having submitted to registration, had committed suicide. Gandhiji was invited by Mr. Quinn, Chairman of the Chinese Association, to address the gathering.

[2] He had exhorted the audience to resist imposition of the Asiatic Law Amendment Act.

had taken upon himself the responsibility of advising the fighting of the Asiatic Act, and he still felt he was doing what was right, proper and just. He gave that advice to his countrymen and he had no hesitation in giving the same advice to them as fellow-Asiatics. He tried hard, and for a long time, to draw a line between British subjects and non-British subjects. He pleaded hard with the Government here and with the Imperial Government that at least there should be a discrimination between British subjects and other Asiatics. "No," was the emphatic answer both from the Imperial Government and the local Government, and although he claimed for his countrymen and himself all the rights that should properly belong to British subjects, that claim was summarily rejected and British Indians and other Asiatics were classed alike.

Adversity had made them strange bed-fellows in this struggle. It was perfectly true that in spite of the position, British Indians still, somehow or other, clung to the British-subject idea, and they felt that some day or other, they would be able to make good the plea. So far as that was concerned, the Chinese fight was different to the British Indian fight, but so far as the incidence of this wretched legislation was concerned, the Chinese fight was identical with that of the British Indians, and it was because the law pressed equally heavily on both that both were fighting it. If any justification were to be sought for repealing the Asiatic Act, he thought there were two instances. The first in importance was undoubtedly the death of a countryman of his Chinese audience. Their countryman had sacrificed himself for what he thought was a mistake. A miserable attempt had been made to show that the man had given his life for other reasons, but the fact stood out prominently that the man had given his life for the sake of this wretched, miserable Asiatic Act. The other instance he referred to was among his (the speaker's) own countrymen. A man perfectly guiltless and striving to live his life as he best knew how, serving the spiritual needs of his countrymen, had been sent to jail, and was today in default in Johannesburg simply because of this Asiatic Act.[1] All sorts of charges had been made against him, and there was not an iota of proof of the seditious charges. He (Mr. Gandhi) could only say that an Act which had exacted already this heavy price could never be submitted to, either by [the] Chinese or by British Indians, if they were true to themselves, if they were true to their countrymen, and if they valued their honour above anything else. The struggle was a moral and religious one. He reminded them that virtue was its own reward, and said if this was a question of conflicting rights between Europeans and Asiatics, he could understand the position taken up by the Government. But he felt convinced that this was not a struggle between Europeans and Asiatics. General Smuts was reputed to be very strong, and so he was; but so far as the Asiatics were concerned, that strength remained to be proved. He submitted that they were violating the consciences of thirteen thousand British Indians and thirteen hundred Chinese, and that they had chosen the rottenest way of doing a thing which could have been done in a better way long enough ago. After the 2nd December, their freedom was not their own, but, whether arrested or not, they would keep before their minds the spirit of the dead man and remember in this struggle that virtue was its own reward.

Indian Opinion, 7-12-1907

[1] The reference is to Ram Sundar Pundit; *vide* pp. 352-6.

305. WHY WE OPPOSE

During the past fifteen months, hardly a week has passed but these pages have contained some statement against the Asiatic Law Amendment Act, and yet there is no denying the fact that the majority of Europeans and even many Indians will not be able to say why there should be such bitter and sustained opposition to a mere registration law. Some say that the Act is objectionable because it requires Asiatics and their children over eight years to give digit impressions; others, again, because this law gives unlimited power to harass Asiatics. Whilst we do not minimise the importance of these objections, we do not hesitate to admit that, by themselves, they would be trivial, at any rate, certainly not worth the sacrifice that British Indians have pledged themselves to make.

Why, then, this strenuous struggle? The answer is because the Act, read in conjunction with the events that preceded it and produced it, is one that takes away the very manhood from British Indians, who claim to be just as civilised as the law-givers themselves, in all the essentials of life. The Act constitutes, on the one hand, an assertion of a right on the part of the Government of the Transvaal to treat British Indians as they please, and without reference to the latter's opinion or feelings. On the other, there is a denial of any such inherent right in the Government, especially when their act involves a curtailment of or an attack on personal liberty.

If we were asked to point out in which Section of the Act is to be seen any such intention or assertion on the part of the Government, it would, perhaps, be difficult to lay our finger on any particular Section without exposing ourselves to the charge of sentimentality. Just as it is not possible to say in what particular grain of opium lies the poison, so, perhaps, is it not possible to point to the venom in the Act. But the whole of it is, undoubtedly, rank poison to a self-respecting Asiatic, and the trivialities mentioned above are, taken together, sure indications of the fact. The general effect of the Act can only be felt but cannot be expressed; hence it is that the people at large have used symbols to represent the deadly spirit they have always sensed sub-consciously yet not the less really. What has happened during the attempted administration of the Act — the futile prosecution of Carim Jamal, the secret examination of applicants, the startling revelations at the trial of the Indian priest[1] — furnishes a terrible confirmation and a complete justification of the view held by the Indian community.

[1] *Vide* pp. 135, 144-5 and 353-6.

After what we have stated above, it is, perhaps, hardly necessary to show wherein lies the religious objection, but a little closer examination is possibly necessary, as even well-meaning friends have asked the question. Judging from the highest standpoint, we will not use the very effective argument drawn from the wantonly invidious distinction made between Turkish Mahomedans and other Turkish subjects, but for men of religion we would venture to put our argument in the form of a simple question: If it be a fact that Indians conscientiously consider that the Act unmans them, degrades them, practically enslaves them, can those who are less than men ever worship God; can men who, well knowing the injurious consequences of a particular measure, accept it from base, because purely selfish and worldly, motives ever serve God?

Viewed in this light, it is clear that the struggle is of paramount importance. A handful of men, usually accounted as not particularly brave, are crossing swords with a comparatively mighty Government with unrestricted power. Can they succeed? We say, emphatically, "Yes" – provided that they are, as they have hitherto shown themselves to be, willing and ready to sacrifice commensurately with the result to be obtained.

Indian Opinion, 30-11-1907

306. WHY DO WE OPPOSE LAW?

For the past twelve months, we have been writing something or other in this journal in reply to this question. In spite of that, the cause behind the struggle, we are afraid, has remained obscure to most Indians. We can hope that the game will start in right earnest now. We expect that, though the Government is afraid, it will surely lay hands on about a hundred Indians at least. If it does not, we shall be really sorry. Superficially, it may not appear proper to talk in this strain; yet, we think that what we have said is right. For, the time for our test has arrived. The people are in high spirits. If the Government denies us the opportunity of being tested, it will not come again. As warriors on the battle-field feel sorely disappointed when they return without fighting, so is the condition of the Transvaal Indians just now. Only if a hundred Indians, at least, went to gaol, could it be said that a fight was given. This journal will be in the hands of the Transvaal readers just on the 1st or 2nd of December. At that time, the brave will be eagerly waiting to be the first on the battle-field, that is, to be arrested without having committed any crime. The cowards, frightened to death, will be hiding in their houses, terrified at the thought of being arrested. And as for those who have blackened their faces, how can

they have the good fortune of such an occasion of patriotic service? Whether cowards or heroes, for both we consider December 2 to be a grand occasion. We congratulate even the cowards because, though panicky, for the sake of the country they have not submitted to registration.

Why do we write thus? What heavy task is the Indian community facing? Why are we opposing the law? Let us now consider the answer. To many it appears that there is a fight because of the objection to giving ten finger-prints; to some, the only objectionable thing is submitting the names of mother and wife; while others say that it is painful to think of the police making a house-to-house search. It is true that all these things are rather humiliating. Only thieves submit ten finger-prints; reference to the sacred name of the mother, by way of insult, has called forth daggers from waist-bands; when the police have asked for passes from people, presuming them to be suspects, they have had from the persons, enraged by the insult, a blow with the fist which sent them staggering to the ground. In spite of this, if someone asks for finger-prints courteously, and without compulsion, and we comply, no serious resentment is felt. It is with great joy that we take the name of the mother in the same manner as we utter the name of *Ishwar* or *Khuda* while saying prayers with the rosary. That is to say, the things referred to above are objectionable because they have been introduced with a view to insulting us. Not all yellow people suffer from jaundice. But, generally speaking, if we see an emaciated body which is yellow, we shall take it for granted that the person has got that disease. A physician will not treat the person for being yellow. He will treat him for jaundice.

We have to spot out, then, the jaundice in the law. It is this: that the white people, by introducing this law, wish to show that the Asiatics are not men but beasts; not free men, but slaves; not their equals, but their inferiors; that they are born to endure whatever is inflicted on them, that they have no right to protest; that they are not men, but cowards. [Taking of] finger-prints, etc., is only a symptom of this condition, this jaundice. Whatever the law wants us to do, it wants us to do under compulsion. The Indian, who is a man of credit, is assumed to be a thief. Assuming that we are thieves, they also consider our children to be thieves, and strike fear in them by unworthy attacks on them. In our country the words, "A European is coming", arouse terror in children from infancy. So here also this law is intended to terrorize them. If we were asked to point out in which section of the law all this occurs, it would be difficult to reply. No one can point to the flower of Deadly Nightshade and say which part of it contains the poison. The proof of the poison is in eating [its berries]; and the same is true of this law. If this law is read and fully understood by a proud

and self-respecting man, it cannot but send a shudder through his body. It deprives the Indian of the very spirit of manliness in him. And just as a blunted sword becomes useless, so the Indian who submits to this law ceases to be a human being.

After this, who will ask where the objection from the point of view of religion lies. Leaving aside the fact that in Turkey, it applies to the Muslims but that the Christians and the Jews are excluded, if this law exists to insult us and to treat us like animals, we want to know whether animals know God or understand religion.

In fact, this law amounts to a war between the Asiatics and the white people. The latter declare: 'We shall keep the Asiatics merely as machines to slave for us.' The Indians opposing the law in the Transvaal say: 'If we stay, we shall stay as free men and as equals in everyday affairs.' That is the true significance of the law. To challenge a strong enemy to a struggle like this and to win is difficult as well as easy. It is difficult because we have to invite trouble; easy in the sense that the man feels happy in suffering loss while serving the community with a view to securing the welfare of the country.

A match for the mighty in every respect, in wealth, physical strength and arms—such are the white people; then, how will a handful of Indians prevail against them? To the man who asks such a question, we shall not hesitate to reply that he has little faith in God. How can we forget:

He who is born must die;
  Yield not to despair;
The Almighty is with you,
  The merciful God.

Moreover, we are told what happens when a person, though strong, takes to oppression: "I am myself God," so declared Mansur to the entire world. [But] he mounted the gallows — so full of difficulties is this life.

In this struggle, only one condition is required for our success, and that is that our courage must be real. Our sword, in the form of our capacity to suffer, must be made not of wood, but of tempered steel.

[From Gujarati]
Indian Opinion, 30-11-1907

307. OUR SUPPLEMENT

The question of a delegation to the [Indian National] Congress came up only because Mr. Ameeroodeen Fajandar happened to be going to India. He has from the first shown unflinching opposition to the law. Therefore, when he was to go to India, several of his friends asked him whether he would like to go as a delegate. Mr. Ameeroodeen instantly took up the challenge. That would be the first thing he would attend to in India; that was the assurance he gave before leaving. We publish that gentleman's photograph in this issue.

Mr. Ameeroodeen is 36 years old. His parents belonged to a family of Zamindars, which is the reason why his surname is Fajandar. He belongs to the famous Zatam family. When he first came to the Transvaal in the year 1888, he joined the well-known firm of Sheth Mahomed Cassim Camroodeen as a clerk. He served there till 1893, when he started his own business. The name of his firm is Messrs Mahomed Hussain & Co. Many whites tried to get him to apply for registration by threatening to withhold credit, but he stuck to his resolution.

[From Gujarati]
Indian Opinion, 30-11-1907

308. OBNOXIOUS LAW AND REGULATIONS MADE UNDER IT

We give in this issue the English text of the new law and the regulations made under it, and a Gujarati translation of the same. We also gave a Gujarati translation earlier.[1] There are some changes in the translation that is being given herewith. We also give the relevant sections of the Peace Preservation Ordinance. Apart from this, there are also other important items in this issue. We therefore advise every Indian to read this issue carefully and then preserve it. Since we know that the new law and the regulations made under it provide the most effective arguments against themselves, we intend to publish the law and the regulations in the form of a booklet, both in English and Gujarati. It will be priced at 6d. We are convinced that this issue and the booklet on the law deserve to find a place in every home in India.

[1] *Vide* "New Obnoxious Law", pp. 20-6 and "Obnoxious Law", pp. 75-9.

1. Law No. 3 of 1885 will remain in force with the modifications that follow.
2. The term "Asiatics" will mean Indians, coolies and Muslim subjects of Turkey. It will not include Malays and the Chinese who had come in as indentured labourers. (There are other definitions of Registrar, etc., which are not given here.)
3. Every Asiatic lawfully residing in the Transvaal must register himself. There will be no fee for such registration.

Asiatics of the following description will be deemed lawful residents of the Transvaal:

(a) Any Asiatic who holds a permit under the Permit Act, unless such permit was fraudulently obtained. (Temporary permits are not covered by this).
(b) Any Asiatic resident and actually in the Transvaal on May 31, 1902.
(c) Any Asiatic born in the Transvaal after May 31, 1902.

4. Every Asiatic resident in the Transvaal at the date of the taking effect of this Act shall apply for registration to such officer, at such place and before such date as may be prescribed by the Colonial Secretary. Every Asiatic who enters the Transvaal after the date of the taking effect of this Act and who has not previously been registered thereunder shall apply for registration within eight days of his entry.

(a) It is not necessary to make an application under this clause for a child under the age of eight years.
(b) For the registration of a child above eight years and under sixteen years, the application shall be made by his guardian and if not so made shall be made by such child within one month after attaining the age of 16 years.

5. The Registrar shall consider the applications of Asiatics who are lawful residents, and register every such applicant whose application may be approved by him.

If the Registrar rejects the application of any Asiatic, he will give to the person concerned at least 14 days' notice to appear before a magistrate. If he fails to appear at the time specified or, having appeared, fails to satisfy the magistrate as to his right to remain in the Transvaal, the magistrate shall order such Asiatic to leave the Transvaal if he is above 16 years of age, and sections 6, 7 and 8 of the Peace Preservation Ordinance, 1903 shall apply to such order.

6. Any Asiatic who is the guardian of a child under eight shall upon making application for registration on his own behalf supply to the Registrar such particulars and furnish such means of identification in respect of the child as may be prescribed

by regulation. If the applicant is himself registered, such particulars shall be noted on the register. Within one year of the child attaining the age of eight, the guardian concerned shall make application for registration on behalf of the child at the office of the Resident Magistrate of the district in which he resides.

An Asiatic who is the guardian of a child born in the Transvaal shall apply for registration on behalf of the child within one year of the child reaching the age of eight.

(a) If the guardian does not apply as required above, he shall if required by the Registrar or the Resident Magistrate make such application at any later date.

(b) If the guardian does not apply, or if the application made by the guardian is rejected, the application for registration shall be made by the child within one month after reaching the age of sixteen. The Resident Magistrate at whose office such application is made shall cause the application along with the relevant documents to be forwarded to the Registrar who shall if satisfied that the same is in order issue a certificate of registration.

7. When the guardian has not, as required above, furnished the particulars of a child under the age of eight years and has not made application for registration on behalf of the child after he attained the age of eight years, the application shall be made by the child within one month after he attains the age of 16; and the Registrar may issue a certificate of registration at his discretion.

8. Any person who shall fail to make application for registration as required by this Act shall be liable to a fine not exceeding £100 and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

Any person who brings into the Transvaal an Asiatic under the age of sixteen years not lawfully resident in the Transvaal, and any person who shall employ such child, shall be guilty of an offence and shall be liable to penalties mentioned above and to cancellation of the certificate of registration, in addition to which he will be ordered to leave the Transvaal. If he does not leave the Transvaal, he will be liable to a fine or to imprisonment as provided for in the law, sections 6, 7 and 8 of the Peace Preservation Ordinance being applicable to such order.

Any Asiatic over the age of sixteen years who is found in the Transvaal without a registration certificate after such date as may be notified by the Colonial Secretary will be ordered

to leave the Transvaal, and if he does not leave the Transvaal shall be liable to a fine or to imprisonment.

If an Asiatic who has failed to make application for registration shall satisfy the Magistrate that such failure was due to some good and sufficient cause, the Magistrate may give him time to make such application. If the person fails to obtain registration within the appointed time, he shall again be ordered to leave the Transvaal, and if he fails to do so, he shall be liable to the usual penalties.

9. Any member of the police force or any other person authorized thereto by the Colonial Secretary may require an Asiatic of the age of sixteen or over to produce his certificate of registration and supply such particulars and furnish such means of identification as may be prescribed by Regulation.

With regard to an Asiatic under the age of 16 years, the guardian of such child shall produce the certificate of registration and supply the particulars and furnish the means of identification required by this Act.

10. Any person holding a new certificate of registration issued to him under this Act shall be entitled to enter and to reside in the Transvaal, provided he has not been ordered [to leave the Colony] under section 10 of the Peace Preservation Ordinance.

11. Any person into whose hands shall come any certificate of registration or temporary permit of which he is not the lawful holder shall transmit the document immediately to the Registrar. If he fails to do so, he will be liable to a fine not exceeding £50 or to imprisonment with or without hard labour for a period not exceeding one month.

12. Any person who loses his certificate of registration shall apply to the Registrar to have it renewed. The application shall contain such particulars as may be required under the rules, and it must have a stamp of 5s affixed to it.

13. After a date to be notified in the *Gazette*, no Asiatic shall obtain a trading licence under the Revenue Licences Ordinance or under any bye-law in force in a municipality unless he shall produce his certificate of registration and supply such particulars and furnish such means of identification as may be prescribed by Regulation.

14. Whenever the age of any Asiatic is in question, such Asiatic shall unless and until the contrary be proved be taken to be of the age which the Registrar shall certify to be in his opinion the apparent age of such Asiatic.

15. Any affidavit that may have to be made under this Act shall be exempt from stamp duty.

16. Any person, who commits any fraudulent act in connection with an application for registration or for the purpose of obtaining a certificate of registration or makes a false statement, or incites or aids any person in such act or statement, or forges any certificate of registration, or uses as his certificate any certificate of registration of which he is not the lawful holder or any forged certificate, or causes such certificate to be used by others, shall be liable to a fine not exceeding £500 or to imprisonment with or without hard labour for a term not exceeding two years.

17. The Colonial Secretary may in his absolute discretion issue to any Asiatic a permit for a limited period only and after the expiry of such period such person shall be deemed to be a person not duly authorized to be in this Colony and if found may be arrested without warrant and the provisions of sections 7, 8 and 9 of the Peace Preservation Ordinance shall apply to such person who shall be liable to the penalties provided therein as if he were a person who had been ordered to leave the Colony under the said Ordinance. Temporary permits issued before the date of the taking effect of this Act shall also be governed by this Act. Any person who holds a temporary permit may be exempted from the restrictions on the use of liquor. The Colonial Secretary may also grant such exemption to an Asiatic who is not subject to the provisions of this Act.

18. The Governor may from time to time make or repeal Regulations for any of the following purposes:

(1) Prescribing the form of the register to be kept under this Act;

(2) Prescribing the manner and form in which application shall be made for registration, the particulars to be supplied and the means of identification to be furnished;

(3) Prescribing the form of certificates of registration;

(4) Prescribing the particulars and the means of identification marks to be furnished by the guardian of a child under the age of eight years by any Asiatic who may be required to produce his certificate of registration under section 9, by any Asiatic applying for the renewal of any certificate of registration which has been lost or destroyed and by any Asiatic applying for a trading licence;

(5) Prescribing the form of permit to be issued under section 17 of the Act.

19. Any Asiatic or guardian of an Asiatic failing to comply with any requirement of this Act shall, except where otherwise specified, be liable to a fine not exceeding £100 or to imprisonment with or without hard labour for a period not exceeding three months.

20. The Labour Importation Ordinance relating to the Chinese shall not apply to Asiatics.

21. If an Asiatic has acquired any land in his name before the taking effect of the Act of 1885, his heir and successor will be entitled to that land.

22. This Act shall not come into force till such time as the Emperor is pleased to give his assent thereto and his assent is notified in the *Gazette*.

SOME SECTIONS OF PEACE PRESERVATION ORDINANCE OF 1903 REFERRED TO IN NEW LAW:

6. Every person so arrested shall with all convenient speed be brought before a magistrate and if he fails to satisfy the magistrate that he is duly authorized to enter or reside in this Colony under the provisions of this Ordinance, the magistrate may make an order in writing, directing such person to leave this Colony within such time as may be specified in such order, provided that if such person declares upon oath that he has already obtained a permit and gives satisfactory reasons for his inability to produce the same or if he declares upon oath that he can produce satisfactory evidence that he belongs to one of the classes exempted from the necessity of obtaining a permit by the provisions of Section 2 hereof, he may be released upon entering into a recognizance with or without sureties to produce before any magistrate named in such recognizance and within the time stated therein such permit or evidence, as the case may be. If such person fails to comply with the conditions of his recognizance, it shall be forfeited.

7. Any person who may be ordered to leave this Colony and fails to do so within the time specified in the order and any person whose recognizance has been forfeited under the provisions of the last preceding Section may be arrested without warrant and brought before a magistrate and shall upon conviction be sentenced to imprisonment with or without hard labour for a period of not less than one month and not more than six months and with or without a fine not exceeding £500 and in default of payment to a further term of imprisonment for a period not exceeding six months.

8. If any person imprisoned under the terms of the last preceding Section shall remain in the Colony for a period of more than seven days after the expiry of his term of imprisonment [without obtaining permission in writing from the Colonial Secretary][1], he may be arrested without a warrant and brought before a magistrate and shall on conviction be sentenced to imprisonment with or without hard labour for a period of not less than six and not more than twelve months and with or without a fine not exceeding £500 and in default of payment to a further term of imprisonment for a period not exceeding six months.

9. Any person who
 (1) obtains or attempts to obtain or incites any person to obtain or aids or abets any person in obtaining a permit by any fraud, misrepresentation, false pretence, falsehood or other improper means;
 (2) uses or attempts to use or incites any person to use or aids or abets any person in using any permit so obtained;
 (3) enters or attempts to enter this Colony on a permit so obtained or on a permit not issued to him by proper authority

 shall be liable to a fine not exceeding £500 or to imprisonment with or without hard labour for a term not exceeding two years or to both such fine and such imprisonment.

10. It shall be lawful for the Lieutenant-Governor on its being shown to his satisfaction that there are reasonable grounds for believing that any person within this Colony is dangerous to the peace and good government of the country to issue an order to such person to leave the Colony within such time as may be stated therein. If on the expiry of the said period such person shall be found within the Colony, he shall be proceeded against in the manner prescribed in Sections 7 and 8 of this Ordinance and shall be subject to penalties therein provided.

OBNOXIOUS REGULATIONS[2]

This law has been published in the form of a booklet. Price 6d. Postage half a penny.

[From Gujarati]

Indian Opinion, 30-11-1907

[1] The words in square brackets have been supplied from the English text.

[2] Here followed in the original the Regulations framed under the Act; *vide* "Obnoxious Law", pp. 75-9 and Appendix IV.

309. *LETTER TO PRIVATE SECRETARY TO HIGH COMMISSIONER*

21-24 COURT CHAMBERS,
CORNER RISSIK & ANDERSON STREETS,
P. O. BOX 6522,
JOHANNESBURG,
December 3, 1907

THE PRIVATE SECRETARY TO
HIS EXCELLENCY THE HIGH COMMISSIONER
JOHANNESBURG

SIR,

Mr. David Pollock has just brought me a message from Mr. Hosken suggesting to me that I should approach His Excellency privately in connection with the serious situation that has arisen regarding the Asiatic Law Amendment Act, and to place before His Excellency what I consider would be acceptable to the Asiatic communities and would, at the same time, meet the main object of the Government.

I need hardly preface what I am about to say with the statement that, in the position I have felt called upon to take up in this matter, my desire has been to serve the Government equally with my countrymen. It is because I consider myself to be a lover of the Empire for what I have learned to be its beauties that, seeing, rightly or wrongly, in the Asiatic Law Amendment Act seeds of danger to it, I have advised my countrymen at all costs to resist the Act in the most peaceful and, shall I add, Christian manner.

The object of the Government being to identify every Indian entitled to remain in and enter the Colony, in my humble opinion, it can be met by amending the Immigration Restriction Act, which still awaits the Royal sanction, and which, I trust, will not receive the Royal sanction in its present form. In my humble opinion, the offer for voluntary registration will not, in view of the prospective repeal of the Peace Preservation Ordinance, be of much use, because any registration certificates that might be taken out would be of no avail without the Peace Preservation Ordinance. I, therefore, venture to suggest as follows:

(a) to withdraw the notices in the *Government Gazette* regarding registration under the Act;

(b) to amend the Immigration Restriction Act at the next session of Parliament so as to provide for the issue of certificates of domicile to those Indians who may be entitled to remain in or enter

the Colony under the Peace Preservation Ordinance, and those who may hold £3 registration certificates under Law 3 of 1885, who can establish their claim to the certificates. Certificates of domicile will take the place of registration certificates, and will contain full identification particulars. This does not contemplate certificates for the minor children of domiciled Asiatics, but, in order to prevent any fraud, children, with their names and ages, will be described in certificates of domicile; so that, at the utmost, what may happen can never be an unlawful increase in the number of Asiatic children in the Colony, but, possibly, in the rarest cases, personation, which can be dealt with stringently under the Immigration Restriction Act. The amendment does also not contemplate certificates of domicile for Asiatics who will be able to pass the education test, which, under the clause as it at present stands, is sufficiently heavy and, therefore, provides complete identification by itself. The amendment will also repeal the Asiatic Act.

Seeing that fifteen months have passed by without any registration, perhaps three or four more would not matter; but, if the Government think otherwise, it is respectfully submitted that they may, after the withdrawal of the notices, issue registration certificates in place of the existing documents, if only in order to test the *bona fides* of the community. These may, at the time of amending the Immigration Act, be recognised as certificates of domicile.

In my opinion, the chief reason for passing the Asiatic Act was the charge of surreptitious entry *on a wholesale basis*[1]. I have always felt most strongly about it, as I have always known intimately the working of the Asiatic Department under successive officers. The evidence that led Captain Hamilton Fowle to suppose that there was little surreptitious entry was the evidence that was used by Mr. Chamney to report unfavourably. I still believe that Mr. Chamney is entirely incompetent for the office he holds, in having no legal ability to sift evidence. I have nothing against him personally. He is affable and above suspicion, but these two qualities do not make up for the want of a further qualification which is indispensable to an office such as he holds. I, therefore, as an alternative to the exchange of existing certificates, venture to suggest the appointment of a judge of the Supreme Court, the Chief Magistrate for the Witwatersrand District, or some such high official with legal knowledge to investigate the charge of surreptitious entry. He will be able to report upon anything that the Asiatic Officers may have to place before him; and, if the inquiry made is open to the public, and witnesses are publicly examined, it will allay the anxiety of the people of the Transvaal, and any report that might be made could not be questioned

[1] These words are underlined in the original.

by any people and would, perhaps, pave the way for the amendment suggested in this letter.

I purposely refrain from examining the methods of identification and considering the question of finger-prints, which is only a secondary matter. If the idea of repealing the Asiatic Act and seeking the co-operation of the Indian community be entertained, other difficulties can, I have no doubt, be overcome.

If required, I shall be prepared to submit in legal phraseology amendments to the Immigration Restriction Act that would, in my humble opinion, completely fulfil the object of the Asiatic Act so far as identification is concerned, without in any way wounding the susceptibilities of British Indians.

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Transvaal Governor's Archives, Pretoria: File 53/11/1907

310. TRIAL OF MAHOMED ESSAK

[VOLKSRUST,
December 6, 1907]

Mr. Gandhi, who represented accused[1], thought that the indecision of the Law Department should not prejudice his client, especially as he was under detention and refused to be bailed out. If a definite charge could not be framed against him, he should be immediately discharged. It would even then be open to the Government to re-arrest him, as his client had no desire to leave the country, but, on the contrary, to assert his right to remain in it.[2]

Indian Opinion, 14-12-1907

[1] Mahomed Essak, a cook by profession, was arrested at Volksrust on his return from India. He had been in the Transvaal for four years before the Boer War and had been granted a permit and a registration certificate under the Peace Preservation Ordinance and Law 3 of 1885. He was produced before Mr. De Villiers, Assistant Resident Magistrate, and refused to be bailed out. The Public Prosecutor, Mr. Mentz, however, was still awaiting instructions as to the charge to be framed against the accused.

[2] After further argument, the magistrate remanded the case to Johannesburg in order to avoid expense and delay, and allowed Mahomed Essak to be released on his own recognizance. When the case came up for hearing before Mr. Jordan at Johannesburg on December 11, Essak was charged under the same section as the 37 Indians tried on December 9; *vide* "Trial of Indians", pp. 423-4. The evidence tendered was of the same nature. *Indian Opinion*, 14-12-1907, reported: "Mr. Gandhi, without calling any evidence for the accused, asked for his discharge. Mr. Jordan delivered a considered judgment, giving a full interpretation of the Sections of the Peace Preservation Ordinance that bore on the case, and discharged the accused. The court was crowded with Indians."

311. LETTER TO COLONIAL SECRETARY

JOHANNESBURG,
Before *December 7, 1907*

TO
THE HON'BLE THE COLONIAL SECRETARY
[PRETORIA
SIR,]

I have been directed by my Association to draw your attention to the amendment of the Traffic Bye-Laws with reference to first-class cabs passed by the Johannesburg Municipality.[1] The amendment, if approved of by the Government, will prevent British Indians from making use of first-class cabs. My Association submits that the distinction will be totally unnecessary and invidious.

The exception made in favour of Asiatic members of the professions is taken by the community rather in the nature of an insult than anything else. Incidentally, my Association draws your attention to the fact that, whilst members of any of the liberal professions may use first-class cabs, their wives and children evidently may not.

My Association ventures to trust that the Government will be pleased, in justice to the community represented by my Association, to reject the amendment.

[I have, etc.,
ESSOP ISMAIL MIA
CHAIRMAN,
BRITISH INDIAN ASSOCIATION]

Indian Opinion, 7-12-1907

312. LETTER TO HIGH COMMISSIONER

[JOHANNESBURG,
Before *December 7, 1907*]

[THE HIGH COMMISSIONER
PRETORIA
SIR,]

At the request of the Punjabis, Pathans and Sikhs, being British subjects resident in the Transvaal, I have the honour to enclose

[1] *Vide* "Letter to Johannesburg Municipality", p. 206.

herewith for His Excellency's consideration a memorial[1] signed by Jamadar Nawab Khan and Fazali Ilahi on behalf of the others whom they represent, and whose names are given in the list attached to the memorial.

In forwarding the petition, I am aware of the fact that His Excellency's intervention can, if at all, only with difficulty be enlisted, but I need hardly point out how serious the situation is so far as regards the memorialists, who are old soldiers and who have fought, as they are undoubtedly now ready to do, for and under the British banner. Whether protection is afforded to them by the local Government or the Imperial Government, in my humble opinion, it is necessary that some steps should be taken to allay the grievances under which they are labouring.

It was with great hesitation that I undertook to draft the petition for them, but I felt that, as a lover of the Empire to which I belong, I owed it as a duty to give suitable expression to their feelings. Some of them were, and still are, anxious to lay their grievances personally before the highest representative of their Sovereign in South Africa. I have, however, pointed out to them that such a request was hardly likely to be acceded to, owing not only to the pressure of work that is entailed upon His Excellency but also, perhaps, to the impropriety of any such request by the memorialists.

[*I have, etc.*,
M. K. GANDHI]

Indian Opinion, 7-12-1907

313. RITCH'S SERVICES

Not all Indians, perhaps, have a full idea of the tireless pains taken by Mr. Ritch in England for their benefit. Recently, he has placed the Indians under a further obligation by publishing a brief pamphlet[2] which gives a vivid account of the hardships of Indians in the Transvaal. Every Indian knows that Mr. Ritch's services are invaluable. He has compressed the whole account into a pamphlet of twenty-three pages(octavo size); it is a succinct statement, covering the whole ground and giving the history as from 1885. It is not only through the efforts of Mr. Ritch that we stand to gain; his position also counts. That is to say, a veteran white colonist of eighteen years' standing like Mr. Ritch taking up the struggle on behalf of the rights of Indians can have a more powerful effect on the white people. It is for this reason that he has referred to this fact in the preface to his pamphlet. The vast amount of informa-

1 *Vide* "Petition to High Commissioner", pp. 385-6.
2 *Vide* Appendix VIII.

tion which he has compressed into such a small pamphlet shows the anxious labour bestowed on his work by Mr. Ritch.

Mr. Ritch has done the right thing in recalling the promises given to the Indian community by Lord Milner in the year 1903. Lord Milner had said then:

> Once on the register, their position is established and no further registration is necessary, nor is a fresh permit required. That registration gives you a right to be here, and a right to come and go.[1]

Mr. Ritch has compared compulsory and voluntary registration in order to point out the difference between the two. Voluntary registration would be devoid of the sting of compulsion, and would constitute an act of grace performed by the Asiatic community in deference to white sentiment. If registration is made compulsory, there will be no difference between Indians and Kaffirs, and the neighbouring Colony will be tempted to adopt it as a precedent. It may also turn out to be a prelude to compulsory segregation in Coloured Locations.

Mr. Ritch has not endeavoured to argue the question, but has relied upon facts, which he has marshalled so as to lead the reader to the irresistible conclusion that the Indian case is just. As has been pointed out by Mr. Ritch at the end of the pamphlet, the inconsistency between pre-war promises and post-war performance exposes the Government's perfidy. In Mr. Ritch's own words:[2]

> Apart from the duty of the Transvaal Government to protect the interests of a wholly unrepresented minority, there is the obligation of the Transvaal to subordinate merely local interests to the welfare of the Empire at large. Let the whites only consider to what extent the authority and prestige of the Imperial Government have been endangered by their heaping of indignity upon indignity upon representatives of the three hundred millions of Indians for the sake of a quarter of a million whites.

Mr. Ritch's pamphlet will enable the whites in England and elsewhere to consider the Indian point of view on the Transvaal question. That will be a very important gain for the Indian community.

We are thus putting up a strong fight, and it seems that even negotiations for a compromise have started; in view of this, it should hardly be necessary for us to add that we expect every Indian to remain firm and, guarding himself against any trap that the Government may lay, boldly to hold himself ready for imprisonment.

[From Gujarati]

Indian Opinion, 7-12-1907

[1] *Vide* Vol. III, p. 305.

[2] The translation given here has been collated with the original in English.

314. *WHAT WILL HAPPEN TO THOSE WHO SUBMIT TO LAW?*

This question has often been answered by us. Now Mr. Hill has answered it. Mr. Hill is one of the leading figures among those opposed to the Asiatics. We give elsewhere the summary[1] of a letter written by him. Everyone ought to read it. Mr. Hill remarks that the new law is only a beginning; in the end, the Asiatics are to be driven out altogether. Other laws will certainly follow. Hence, the challenge of the Indian struggle against the new law must be met squarely by the Government. In other words, the law should be enforced in its entirety and the Asiatics should be crushed. After that is done, the whites will be able to do whatever they want. Is there anyone who will believe, in the face of such a letter, that he can live in peace after submitting to the new law?

[From Gujarati]
Indian Opinion, 7-12-1907

315. *RAM SUNDAR PUNDIT*

We have received letters asking some questions about Punditji. We do not intend to publish them, for the people who wrote them have been altogether misinformed. One of the questions raised in the letters will be answered here. Someone wants to know how the community can gain anything by Punditji's staying on here after the expiry of his temporary permit and being imprisoned for that. It is quite wrong to raise such a doubt. All persons holding temporary permits are not in a position to fight as Punditji did. Such persons are bound to leave the Transvaal on the expiry of the period but those working as priests are in a position to stay on even if an extension is not granted to them. That is the reason why he stayed on, as desired by the community. The [Indian] residents of Germiston had written [to the authorities] on this subject. And in the trial which took place, he was charged under section 17 of the new Act. We are convinced that the case against him has done much good to the community. Everyone feels bolder as a result of Punditji's going to gaol. At a time like this, nothing but good can be done by any Indian going to gaol in the course of the struggle against the law. For, this is our first experience. The imprisonment of a man like Punditji is bound to have a very powerful effect; in fact,

[1] Not reproduced here

there has been such an effect. It is because of that effect that Shahji Saheb and others did their utmost to follow him to gaol, and that a meeting was held in Germiston attended by hundreds of Indians, where Punditji was complimented on his courage. Everyone can talk, but, so far, only Punditji has shown himself capable of action. It is enough for us that he has sacrificed himself for the benefit of the community, and is prepared to make still further sacrifices after coming out of gaol.

[From Gujarati]
Indian Opinion, 7-12-1907

316. VOLUNTEERS FOR NATAL

There is again a rebellion of Kaffirs in Zululand. In view of this, hundreds of white troops have been dispatched. The Indian community must come forward at such a time without, however, thinking of securing any rights thereby. They must consider only the duty of the community. It is a common observation that when we attend to our duty, rights follow as a matter of course. It will be only proper for the Indian community to make the offer that was made last year.[1] There is a move at present to levy a tax on those who do not enlist. The burden of this levy will fall on Indians alone; even though paying the tax, they will get no credit. We are, therefore, convinced in our minds that the Indian community should repeat its offer. We assume that there are many Indians now who will welcome such work enthusiastically. Those who went to the front last year can do so again. Most of them are seasoned people and familiar with the nature of the work. We very much hope that this work will be taken in hand without any delay.

[From Gujarati]
Indian Opinion, 7-12-1907

317. JOHANNESBURG LETTER

HUGE MASS MEETING

There is no end to mass meetings of Indians. And each such meeting is better than the preceding one. The last meeting held in Pretoria was much larger than the one held earlier. The meeting held on Sunday last at Johannesburg[2] surpassed even the one at Pretoria, so impressive were the spirit of the people and the size of the crowd.

[1] *Vide* Vol. V, pp. 291-3.
[2] The meeting was held in Fordsburg, a suburb of Johannesburg.

Nowadays people attend the meetings on their own and everyone is filled with enthusiasm. Everywhere there is evidence of a burning desire for patriotic service at any cost.

More than Two Thousand

This meeting was attended by more than 2,000 people. There were delegates from many places. There were nearly 40 from Pretoria, 16 from Potchefstroom, and so on from every place.

Meeting in Surati Mosque

The meeting was held in the compound of the Surati mosque. There were men sitting everywhere, on the verandah of the mosque, its terrace and roof. Originally, it was intended to hold the meeting in Mr. Essop Mia's new house. But quite a large number of men had collected there even before the meeting commenced, and since it was impossible to accommodate all of them in that building, it was decided on the spot to hold the meeting in the open.

Essop Mia

Mr. Essop Mia took the chair, though, in view of the situation obtaining then, he and most others from Johannesburg kept standing all the time. He welcomed the delegates who had assembled, and thanked the pickets for their work.

Substance of Other Speeches

Mr. Gandhi explained what was likely to happen in December, and referred to the growing feeling of sympathy on the part of the whites. This was the time for Indians to win their freedom and they were not, therefore, to keep on looking to the leaders all the time. Everyone was to look upon himself as a leader and boldly face imprisonment or any other hardship that might be inflicted on him. Our petition no longer lay with an earthly ruler; it was to be addressed to the Creator.

Mr. Emam Abdool Cadir showed that those who had faith in God had no cause for fear. He was a picket, and he would be glad if the Government laid hands on him first.

Mr. Manibhai Desai (from Pretoria) said that if the Government came down on the pickets first, he would be very happy to bear the brunt of the attack.

One Kanmia picket, whose name I do not know, said that he would not be in the least afraid.

Mr. Abdool Gani said that in this struggle God was on their side, since their cause was just. They were not in the least afraid of going to gaol.

Mr. Naidoo spoke in Tamil and explained the position.

Mr. Shahji Saheb, after referring to what Hazrat Imam Hussein had suffered, said that what had happened to Ram Sundar Pundit might also happen to a Muslim priest. Unable to bear this thought, he had forced himself to be prepared to follow the Pundit to gaol.

Mr. Omarji Sale said that he would have no fear of gaol.

Mr. Coovadia said that it would not matter if the Government attacked businessmen and forced them to close down the shops. That would bring our freedom very near.

Mr. Khurshedji Desai (from Krugersdorp) described the difficulties of the Kaffirs in obtaining the passes which they were required to carry.

Mr. Abdul Rahman (from Potchefstroom) said that Potchefstroom was quite strong and that all people there were prepared to go to gaol.

Mr. Osman Latief (from Potchefstroom) said that he was prepared to go to gaol, leaving his wife and children behind.

Mr. Quinn (President of the Chinese Association) spoke in Lnglish and said that this was a struggle to secure the freedom of Asiatics. All the Chinese were ready to fight unto death.

Mr. Ebrahim Aswat said that if the Indian community yielded now and took out registers through fear, it would be called to account before God by the Chinaman who had committed suicide, for it was the Indians who had exhorted the Chinese to fight.

Mr. Nawab Khan said that it was the duty of every Indian to fight to the last for the benefit of the community and for the sake of religion.

Mr. Hajee Habib, in his speech, expressed regret that Memons had taken out registers, and advised them to remain firm.

Mr. Polak said that it was only now that the time of real test had drawn near. After Mr. Gandhi's imprisonment, he would not spare himself in carrying out whatever fell to his lot.

In reply to some questions, Mr. Gandhi said that if, after being arrested, anyone was required in gaol to give digit-impressions, he should give them. This was a struggle for freedom from slavery, not against digit-impressions. In gaol, the rule for taking ten finger-prints applied to everyone. They need not oppose it. If, however, anyone asked them in gaol to get themselves registered, that must not be done. In case he himself was arrested, Mr. Polak would be able to attend to all work, such as sending telegrams, etc. No one was to engage a lawyer when arrested for not taking out a new register.

Mr. Manji Lakhani (from Pretoria) said that some played with "Codys", and some smoked "Chamneys".[1] Speaking for himself, he said he would rather become a beggar than take out the new register.

[1] The speaker was punning on the names "Cody" (cowries) and "Chamney" (chimneys).

Mr. Cachalia said that, irrespective of whether the leaders remained firm or not, those who did not want slavery would continue to fight.

The editor of *The Transvaal Leader*, Mr. Cartwright, having heard of the meeting, went there specially as an observer. He had much sympathy for the Indians. He is an eminent man and has himself been to gaol for his powerful writings. He is a very capable man, who is not afraid of defending truth.

Message from Ram Sundar Pundit

On Monday, Mr. Gandhi had an interview with Ram Sundar Pundit, having obtained special permission for it. Since the Governor had ordered that they should talk in English, the whole interview took place in English in the presence of the Chief Warder. Punditji spoke of many things, of which I reproduce here only the essential part:

> Please tell everyone that I am happy here. It would have been better if the Government had awarded me hard labour. After my release, I shall be prepared to go to gaol again for the sake of the community. While here, I have read all the poems on gaol-going. I have been deeply moved by them, especially by the poems of Mr. Mehtab. When I come out, I hope to see a copy of these poems in the hands of every Indian in Germiston. How is it that other Indians have not been arrested, though it is already December? We shall gain freedom only when that happens. Please tell everyone that there is no hardship in gaol. I see even women here. No one should feel anxious on my account. I feel as if I am in a palace. I only wish that no Indian submits to the law. The Governor and the Chief Warder look after me very well.

I have felt much hesitation in reproducing what Punditji said about the poems on gaol-going. But I have given the message as a matter of duty because he was very particular about it. No one, however, should imagine that any monetary interest of those working with *Indian Opinion* is involved in this. The paper is brought out with great difficulty, and even now those who are working on it do not make any profit worth the name.

Petition by Punjabis

Last week I gave a translation of the petition made by the Punjabis. Mr. Gandhi has addressed the following letter[1] to Lord Selborne to accompany the petition.

[1] For the text of the letter, *vide* "Letter to High Commissioner", pp. 412-3. The first paragraph was omitted in the Gujarati version.

Blacklegs in November

During the month of November, pickets worked at Pretoria as well as they had done at Johannesburg. Thanks to their alertness, very few Indians got themselves registered, and not a single one, it can be claimed, from Pretoria itself. But there were a few here and there in the Colony. Heidelberg gave the lead. Mr. Ratilal, who is counted among the educated people, was the first. He was followed by some of Mr. Abu Mian Camroodeen's men, and last came Mr. Khota's men. Everyone felt sorry that Mr. Khota's men had applied. The Surati community feels humiliated by the action of these men. The Gujarati Hindus are very much upset on account of Mr. Ratilal's application. It was observed that the Gujarati Hindus had so far remained clean. Mr. Ratilal has disproved the general belief that, apart from Mr. Lakshmi Chand, no one else would apply. As regards the servants of Mr. Khota, he writes to say that it was not their fault. It was because of his pressure on them that they went. They were quite disinclined to go, but went because of his pressure. Mr. Khota is now sorry and feels ashamed. He adds that he was very much afraid, for he owned four shops. As for himself, he would not now apply under any circumstances, but would rather go to gaol. Since Mr. Khota does not defend his conduct, there is no more comment to be made. But it should be a matter of regret to everyone that he was overcome by fear. It would have been a fine thing if he had not faltered. I very much hope that no one will follow Mr. Khota's example.

Other blacklegs include some poor men from Madras and Calcutta. No weight is to be attached to them because they are quite unknown here and have been living almost as slaves. The argument that some leaders wanted registration to continue in November is thus proved to be baseless.

"The Sunday Times"

The Sunday Times has remarked that, if the former permit officers had not proved corrupt, there could have been no need for the new law. It is thus proved that the Government is punishing the Indian community for the fault of its own officers.

Other Newspapers

The comments appearing in other newspapers are amusing. None of them considers it likely that the Government could send anybody to gaol. *The Star* even goes to the extent of saying that there should be no need to send anyone to gaol. By merely withholding licences, they could apply a gradually increasing pressure and compel the people to take out registers. It openly says that, when any Indian is produced

before a magistrate, the latter, instead of sending the Indian to gaol, should merely give him further time to apply for a register.

Be on Guard

The statement in *The Star* appears to be inspired by the Government and hence every Indian should be on his guard. If any Indian produced before a magistrate proves to be a coward, the result will be anything but good. The magistrate, instead of giving notice to such an Indian to leave the country, will only advise him to apply for a register. If the Government thus wants to lay a trap, it is necessary for the Indians to be watchful. A plain refusal will solve all difficulties. Everyone should utter only an emphatic 'no' in reply. There is no limit now to the weakness of the Government. It is frightened of the very fact of its being tyrannical. Where is the threat of General Smuts? What has happened to his talk of deportation? Though the Government is betraying so much weakness, there are Indians who continue to harbour fear in their hearts.

Another Warning

If anyone should present himself at the house of an Indian as a detective in plain clothes, and ask for his permit or want the shop to be closed down, no one should listen to him. It is likely that some persons may go about posing as detectives.

Move for Compromise

Many eminent whites have started a move for a compromise. Meetings have been taking place between Sir Percy Fitzpatrick and others. The indications at present are that the Government will not arrest anyone and that a compromise will be reached peacefully. If that happens, the credit for it will go to Ram Sundar Pundit and to the Chinaman who committed suicide. That incident produced a feeling of revulsion everywhere and strengthened the case of the Asiatics. The time has not yet come to make public all the facts about the move that has been initiated; hence I feel obliged to stop here. All newspapers now report that the Government will not enforce the present Act. Something will be done in January. The Government is thus climbing down step by step. No one, either black or white, even mentions now that all people can be sent to gaol.

Well Deserved!

Some people from Calcutta and Madras, who got themselves registered under threats or for fear of losing their jobs, have now lost their jobs. The reason for this is not known. But it is worth noting that, though they were inoculated against the plague', they could not save themselves. They are now very sorry. They have lost their jobs

as well as their honour. Another instance has also come to my knowledge. One or two Indians got themselves registered in the hope of being able to obtain credit. Now they have handed over their books of account to the dealers [who gave them credit]! No one can fathom the ways of God.

Konkani Passive Resister

A Konkani named Mahomed Essak holds an old register and permit. In spite of this, he was arrested under the new law while on his way from Natal to Volksrust. He has refused to offer bail. Mr. Gandhi has sent a telegram to the Public Prosecutor that they had no authority to arrest the man. And if he was detained without trial, he would himself take up the case. It is not possible to prosecute this man. For, he has only recently entered the Transvaal from Natal. The Government had no power to arrest him until after eight days. This is the line along which this case should be fought. For, it is necessary that people coming from outside should have an opportunity to remain free in this manner for eight days. In that case, the trial can take place only in Johannesburg, and passive resistance will gain strength. I congratulate the Konkanis on the fact that this passive resister is a Konkani. The case will be taken up on Friday. The magistrate has fixed the bail at £10. But no one has offered it. There is a telegram from Volksrust stating that Mr. Mahomed Essak remains brave and fearless.

About Compromise

Negotiations for a compromise are continuing. People are in such a strong position that now they wish even to back out of voluntary registration, and assert that there should be no compromise with the Government at all, that the fight should continue, and that they should retain whatever documents they hold and merely mark time. This spirit is quite admirable. [But] the time has now come for the community to show some prudence. What is being offered by way of compromise all these twelve months cannot be withdrawn now. There was a meeting on Wednesday in the Hamidia Hall. But, at that meeting, it was strongly urged by many people that we should only cling to the old documents, and that there should be no voluntary exchange of these documents. I hope that this enthusiasm will subside and that the people, having calmed down, will put forward reasonable demands. I consider it a great victory that the law should be defeated. And it is bound to be defeated if people remain firm in their attitude. But, at the same time, it is necessary to prove that we are reasonable and that we honour our word. Just as we think it criminal to violate an oath, so also it is disgraceful for us to back out of the promise of voluntary registration given by us.

Meeting on Sunday

A meeting is to take place on Sunday to consider the matter further. If, in the end, the community acts with moderation, the present wave of excitement will be taken in a good light.

Pundit

Mr. Ram Sundar Pundit will be released from Johannesburg prison on the 13th at 9 o'clock in the morning. A large number of Johannesburg Indians are expected to turn up to receive him at that time. It is intended to hold a meeting here after receiving him.[1] It will be in the fitness of things if people outside send telegrams offering congratulations and exhorting [him] to show himself brave enough to go to gaol again, if necessary.

Punjabis

A European has addressed a letter to Lord Selborne recommending that the Punjabis and others should be enlisted for the Zulu War. Lord Selborne has replied to the petition of the Punjabis that it has been forwarded to the local Government.

Corrigendum

When I wrote last week, the amount under consideration for being sent to our delegates to the [Indian National] Congress was £25 only. Later it was decided to send £35. Accordingly, a cheque for £35 has been dispatched to Mr. Ameeroodeen.

[From Gujarati]
Indian Opinion, 7-12-1907

318. TRIAL OF INDIANS[2]

[Volksrust,
December 9, 1907]

In cross-examination, the witness admitted that the permits produced by the men had hitherto been accepted under instructions as sufficient authority for Asiatics to enter or re-enter. The witness did not know whether re-entry was in accordance with

[1] *Vide* "Ram Sundar Pundit", p. 443.

[2] On December 6, twenty Indians and, during the next two days, another 17 Indians were arrested on arrival at Volksrust. They were tried in the court of the Assistant Resident Magistrate, Mr. De Villiers. The case of the 20 Indians was taken up first. Examined by the Public Prosecutor, Mr. Mentz, Sergeant Mansfield deposed that all the accused held permits and registration certificates under the Peace Preservation Ordinance, their thumb-impressions were in order and their permits authorized them to enter, but not to re-enter, the Colony. The accused had told him that they did not wish to submit to the Asiatic Act. Gandhiji cross-examined him.

the permits or the Peace Preservation Ordinance. He allowed Asiatics to re-enter, such being his instructions.

[GANDHIJI:] What are your instructions now?

[WITNESS:] My instructions are to detain and arrest all male Asiatics above 16 years who could not produce registration certificates under the Asiatic Act, or who did not produce temporary authorisation allowing them to re-enter the Colony.

Do these instructions apply even to Asiatics whom you may know to be old residents, who may have produced permits, and who may have only recently left the Colony?

Yes, because such is my duty under the instructions. I am to detain all Asiatics without distinction, if they cannot produce authority under the new Act.

In answer to further questions, Sergeant Mansfield produced the permits and registration certificates and said that they were taken out under Law 3 of 1885. This closed the case for the Crown.

Mr. Gandhi urged that Crown witness had proved his clients' case. The question before the Court was purely one as to whether his clients possessed permits issued under the Peace Preservation Ordinance. These permits were produced by Sergeant Mansfield who admitted that they were in order.

MR. DE VILLIERS: Then you argue that the matter is purely one of argument of law?

MR. GANDHI: Precisely, Your Worship.

Mr. Mentz then argued that the permits held by the men were authority only to enter and reside in the Colony, but not to leave it and re-enter. It was contended that once the men left the Colony, the permits stood cancelled.

Mr. Gandhi, in reply, said that the question was not even that of re-entry. The Court had to keep within the four corners of the indictment, which charged his clients with having entered the Colony without permits under Section 5 of the Peace Preservation Ordinance. The evidence before the Court conclusively proved that his clients were actually in possession of their permits on entering. They had all, moreover, paid £3 under Law 3 of 1885. Nor could the Public Prosecutor's contention be justified. The Supreme Court had decided in the case of Bhabha *vs.* Rex that a permit to enter the Colony included permission to leave it and to re-enter. These were almost the exact words used by Justice Bristowe in that case. Whichever way, therefore, the case was looked at, his clients were entitled to a discharge. The Court had nothing to do with instructions from the Law Department or the construction that it might have placed upon Section 5 of the Peace Preservation Ordinance. The proper course would certainly, in his opinion, have been for the Asiatic Office, if his clients had committed a breach of the new Act, to have charged them under it.[1]

Indian Opinion, 14-12-1907

[1] The Court upheld Gandhiji's contention and discharged the accused. The other 17 men were then brought before the Court, but the charge against them was withdrawn.

319. LETTER TO "INDIAN OPINION"

JOHANNESBURG,
December 12, 1907

TO
THE EDITOR
INDIAN OPINION

SIR,

Perhaps you will allow me the hospitality of your columns to draw the attention of the public to the lesson of the thirty-eight prosecutions[1] of British Indians, seemingly under the Peace Preservation Ordinance but really under the Asiatic Registration Act.

The lesson is that the proceedings of the Asiatic Office are all secret. It required the arrest of Punia to learn that illegal instructions were given to arrest Indian women though they may be wives accompanying their husbands duly authorised to enter the Colony, unless the women themselves held permits.

It required the prosecution of a lad of twelve to learn that secret and illegal instructions were issued that innocent children should hold separate permits.

It required the incarceration of Ram Sundar Pundit[2] to learn that the Asiatic Office was not governed by ordinary and known rules for investigation into charges against Asiatics.

Lastly, it required the arrest of thirty-eight Indians and their detention from two to four days to learn that the Asiatic Office had suddenly, after five years' practice to the contrary, discovered that permits issued under the Peace Preservation Ordinance did not cover temporary withdrawal from and return to the Colony. Instructions as to the new reading of the law were given secretly and without the Indians having been previously informed. The public do not know that these self-same men were actually examined by the Transvaal Asiatic Officer posted at Durban and passed by him. Thirty-six of these men were return passengers by the *Sultan*. The Asiatic Office took, I am told, three days to examine these men.

And yet Mr. Lindsay, who as a lawyer ought to know better, glibly talks of surreptitious entry without, I dare say, having taken the trouble of ever even thinking that there might possibly be an Indian side to the story.

[1] *Vide* "Trial of Mahomed Essak", p. 411 and the preceding item.

[2] *Vide* "Letter to *Indian Opinion*", pp. 359-60.

Passive resisters depend upon creating public opinion, though they are not turned from their conscientious purpose if they cannot create it in their favour. It will not be denied that their suffering has at last made some public men in this Colony think. May I ask them and others who still continue to disregard the Indian standpoint whether it is not the sacred duty of Indians to refuse to submit to an Act which concentrates arbitrary powers in the hands of a single man who carries on inquiries in secrecy, issues instructions under secrecy, and condemns men without hearing them? Even Dinuzulu[1], who is suspected of rebellious designs, is not condemned on suspicion and without getting a hearing, although Colonel McKenzie[2] has received absolute powers under the proclamation of Martial Law in Zululand. Why should Indians be expected to labour uncomplainingly under the foul charge of organised fraudulent entry and to submit to non-judicial investigation under the Asiatic Act of their title to remain in the country? If their repudiation of the charge were hollow, would they not rather that the whole matter were hushed up than that, as they have repeatedly asked, it should be inquired into openly and judiciously?

I am, etc.,
M. K. GANDHI

Indian Opinion, 21-12-1907

320. LATE MR. ARATHOON

The mail last week brought the sad news of Mr. Arathoon's death. Mr. Arathoon in his capacity as the honorary secretary of the East India Association served it for a number of years faithfully and well. As Editor of *The Asiatic Quarterly Review,* his work is known to all who have any connection with India. But he is best known to Indians in South Africa for his very great sympathy for them and the constant attention he gave to the question in connection with the Association, with which he was so closely identified. He never missed an opportunity of bringing it to the notice of the Association, and thereby to that of the authorities. He rendered very valuable assistance to the deputation last year by his whole-hearted co-operation. We tender our condolences to Mr. Arathoon's family.

Indian Opinion, 14-12-1907

[1] Zulu Chief, who was tried for alleged complicity in the poll-tax rebellion
[2] A missionary, who was appointed Commissioner of Bechuanaland in 1884

321. VOLKSRUST CASES

The cases instituted in Volksrust against Mr. Mahomed Essak and other Indians deserve attention. Originally, it was the intention of the Government to frame the charge under the new law, but it lost nerve at the last moment and the case was brought up under the Peace Preservation Ordinance. Mr. Mahomed Essak having taken the lead, others too could follow. He has saved the honour of the Konkanis. No one would now be justified in blaming the Konkanis. The magistrate discharged Mr. Mahomed Essak, holding that he was entitled under his permit to reside in the Colony.

These cases have brought out the courage of the people. It was good that no bail was offered. It was also good that those arrested included people from all communities.

This case reveals the extreme weakness of the Government. The Government is demoralized. It does not know what to do. Its condition is like that of an angry man who has started raving. It would be to our advantage if there were still more cases like this.

If the Government were really strong, it would arrest the people in the Transvaal who are opposing the law. That it is not able to do. Hence it is trying desperately to stop the people from coming from outside. The Government cannot but be defeated in such an attempt. For, there is a big loophole in the new law.

[From Gujarati]
Indian Opinion, 14-12-1907

322. NATAL LICENSING ACT

Under this Act, the Government has made new regulations which include three remarkable sections. First, from now on the application for a licence will have to be published in a newspaper. The officer will have the right to take a thumb-impression on the application. Finally, one will have to pay £12.10.0 when making an appeal. All this is bad, but one must consider on what point relief is possible. It does not appear likely that the requirement to have the application published in a newspaper will be cancelled. There is such a law in the Cape. Taking of a thumb-impression is left to the discretion of the officer. This can be interpreted to mean that those who can sign will not be required to give thumb-impressions. We cannot advise making any petition to the Government on either of these two points, for it will be useless

to do so. The obligation to pay £12.10.0 is not a new thing. There is only one remedy against it: when anyone has an occasion to file an appeal, he must refuse to pay the sum and fight out the point. We believe that the fee is illegal; that is what the ruling of the court will probably be. The best course is to ignore the law and violate it. Wherever licences are refused in large numbers, people must trade without licences, rather than think of disposing of their stocks. For all such ailments, passive resistance is the best cure.

[From Gujarati]
Indian Opinion, 14-12-1907

323. LATE NAWAB MOHSIN-UL-MULK

We have already reported[1] the news of the passing away of this gentleman. In this issue, we give a brief sketch of his life. Every Indian, especially every Muslim, should take a lesson from his services in the field of education. He placed education above politics. That was on the whole a realistic attitude, especially in his time. The community can derive the highest benefits from education provided that, along with it, the people acquire truthful conduct and moral life. But education is a dangerous thing in the absence of lofty conduct and morality. It can be compared to a creeper unable to climb without the support of a hedge. It is such education accompanied by moral training that everyone should receive; that is what we can learn from the life of the late Nawab.

[From Gujarati]
Indian Opinion, 14-12-1907

324. GERMAN EAST AFRICA LINE

A new spirit of self-respect and dignity is in the air these days among Indians. At such a time, the incident that has occurred involving Mr. Peeran Mahomed calls for notice. He asked for a first-class ticket on a Europe-bound steamer belonging to the [German East Africa] Line and it was refused to him. We think this was a highly insulting thing to do. It does not befit the German Company. The Company derives a big income from Indian passengers. Ignoring all this, it refuses to issue a first-class ticket when demanded by an Indian passenger. This ought to make us feel sorry for ourselves. They know

[1] Not reproduced here

our ways. They insult us because we are not likely to do anything about it. They dare not do such a thing to a white passenger. There are three remedies for this to be adopted simultaneously:

(1) A strong protest should be made to the Company.

(2) Their agent, Mr. Osman Ahmad, should bring to the notice of the Company the loss that it might suffer.

(3) Passengers should be dissuaded from using the steamers of this Line.

The third step is the best. The other two will have some effect only if the third is taken. We have acquired new strength, which should be used on every occasion. It is not enough that we oppose the Transvaal law. That is to be treated only as a beginning.

Look at the example of Japan. After coming into light, that nation has been paying attention to its education, its trade and its honour. We, too, should work for progress in every field.

[From Gujarati]

Indian Opinion, 14-12-1907

325. ATTACK ON INDIANS[1]

The air is thick with the excitement of the new law. There is no doubt that people are now eagerly waiting to be arrested. Nine Indians arrived from Durban on the morning of Friday last. Eleven others came on the evening of the same day, and 17 on Saturday and Sunday. All of them had their permits or registers with them. Thirty-five of them had arrived by the *Sultan*. Of the remaining two, one was a Madrasi who was going to Johannesburg on business, and one was a Gujarati who had gone to Durban in October and was returning to Johannesburg. At first, it was reported that all these persons were arrested for being without permits under the new law. Mr. Gandhi presented himself at the court on Friday. These men were not produced in the court on that day, since the police were awaiting orders from Pretoria. They were produced on Saturday, and the case was adjourned till Monday. Mr. Gandhi went to Johannesburg again on Monday. The police wanted to bring up the case under the new law. But there was an order from Pretoria that it should be proceeded with under the Peace Preservation Ordinance. Hence they were prosecuted under Section 5 of the Peace Preservation Ordinance on a charge of being without permits.

[1] This was published with the sub-titles, "Proceeding from Natal to the Transvaal, Thirty-seven Persons Arrested, Released by Court".

Deposition by Sergeant Mansfield[1]

I arrested these Indians in accordance with instructions from Pretoria. They all held valid permits, which, however, did not authorize them to return. They were arrested because they did not have permits under the new law.

Cross Examination

Q.—Did you examine the permits of these men?

A.—Yes. I found on examination that they contained their thumb-impressions.

Q.—Do they also have with them registers taken out under the law of 1885?

A.—They all have such registers.

Q.—What are your orders from Pretoria?

A.—I have orders to arrest every Indian coming from outside if he is without a permit under the new law or any other authority.

Q.—Do these instructions also apply to Indians whom you may know personally?

A.—Yes, it will be my duty to arrest everyone.

Q.—Is it true that, under the permits which you saw with the accused, Indians enjoyed complete freedom of movement till now?

A.—Yes, I had instructions so far that those permits were sufficient authority.

The Public Prosecutor closed the case here. Mr. Gandhi demanded that the accused should be set free for want of evidence.

The Public Prosecutor admitted that his case was weak, but that he had drafted the summons under orders from the Government. Under the permits produced before the court, people were entitled to enter and reside [in the Transvaal] but not to leave and return.

Mr. Gandhi stated that the Crown witness himself had proved his clients' case. The authority for the clients to enter [the Transvaal] was the permit which the Crown witness had produced before the court. In the summons, they were charged with entering without permits. That charge had not been proved. It had been held by the court in the case of Bhabha that a permit to enter the Colony included permission to leave it and to return. His clients should therefore be discharged. Many of them had suffered for four days by that time.

The magistrate upheld this contention and discharged all of them. The following are the names of those who were prosecuted:

[1] The translation has been collated with the English report of the trial; *vide* "Trial of Indians", pp. 423-4.

Omar Yusuf, Nathu Govind, Madha Galal, Lala Madhav, Govind Dadi [Daji?], Ratanji Maharaj, Kunvarji Manor, Kala Pema, Nagar Bhavan, Morar Bhikha, Samandarkhan, Kana Gopal, Nana Vallabh, Babu Sukha, Prabhu Narain, Jasmat Fakir, Fakir Lakha, Hari Daji, Prema Bhana, Parbhu Chhana, Lallu Khushal, Ramasami Chokkalinga Pillay, Mani Dahya, Bhima Vasan, Zina Kidia, Dahya Pancha, Vallabh Govind, Dhana Hira, Hari Bhikha, Dayal Vallabh, Makan Morar, Madhav Jivan, Govind Dahya, Budhiya Lala, Daji Bhana, Ranchhod Gopal and Bhikha Ratanji.

I am glad to observe that there are here persons from all communities, one Pathan, one Konkani, one Madrasi, and the rest Gujarati Hindus.

MAHOMED ESSAK'S CASE

This case was heard on Friday in Volksrust. The Public Prosecutor said that he did not know on what charge Mr. Essak was to be prosecuted. He could say that only after hearing from the Government. After argument, the magistrate agreed to transfer the case to Johannesburg and ordered the case to be heard there on Wednesday.

Mr. Mahomed Essak and other Indians had refused to offer bail. They were therefore released unconditionally. In the court, the Government was being ridiculed for these cases.

[From Gujarati]

Indian Opinion, 14-12-1907

326. REGULATIONS FOR MAKING APPLICATIONS FOR LICENCES IN NATAL

We give below a summary of all the important sections of the Regulations published in the Natal *Gazette* for making applications for the issue, renewal or transfer of licences or appeals in respect of them:

Section 2. The application, in the prescribed form, should be addressed to the magistrate duly authorized for the purpose or to the Town Office, and the applicant shall publish a copy of the application at least one day in each week for at least two weeks in a local newspaper.

4. Upon receipt of an application, the Licensing Officer shall be at liberty to obtain from the Health Officer or the Sanitary Inspector a report in respect to the sanitary arrangements on the premises proposed to be licenced.

5. If required, the applicant shall appear personally and produce to the Licensing Officer his books of accounts, or such other documents as may be necessary, to show to the satisfaction of that Officer that he is able to fulfil the conditions laid down by Section 7 in regard to keeping books of accounts in the English language.

6. The Licensing Officer shall endorse upon each application his decision as regards the issue or refusal of a licence.

8. A licence shall not be issued until the necessary stamps are affixed or the money paid.

9. The Licensing Officer may require an applicant, when issuing a licence to him, to give his signature or impressions of his thumb or fingers.

REGULATIONS CONCERNING APPEALS

10. An applicant intending to file an appeal may give notice within two weeks of the decision to the Clerk of the Board or the Council of his intention to appeal against the decision of the Licensing Officer. With the notice of appeal shall be deposited a sum of £12.10.0 towards the expenses of the members of the Board. If there are more applicants than one, the expenses of the Appeal Board shall be divided equally among them.

11. A notice of the day fixed for the hearing of appeals, together with a list of appeals, shall be fixed to the door of the Court House or Town Office for at least five days before the appointed date.

13. The proceedings of the Board shall be open to the public.

16. The appellant, and any interested person, shall be entitled to be heard upon the appeal by himself or by any person acting under his written authority, and also to bring forward evidence in support of the appeal. The person opposing the appeal shall be entitled to the same rights.

[From Gujarati]
Indian Opinion, 14-12-1907

327. JOHANNESBURG LETTER

PUNJABIS' PETITION

The reply to this petition is still under the consideration of the Government. But the world has already given the reply, which has turned the sympathies of many Englishmen in favour of the Punjabis. Everyone says that they should get justice. The discussion on the petition is still going on. We have already referred to the very strong criticism that has appeared in *The Daily Graphic* of England.

I WITHDRAW

I wrote about Mr. Parekh's spirit.[1] I find that it was written in haste, and hence I withdraw my remarks. At the time of writing this,

[1] *Vide* "Johannesburg Letter", p. 388.

Mr. Parekh is still in Newcastle. Whether he will be there or not when this is published, I cannot say. But to have called him especially brave and to have advised others to follow his example — that itself was an error. A brave man will take the lead in battle. Mr. Parekh is still outside the Transvaal, hence the implied suggestion in my statement that he was braver than all of us does not stand.

Falsehood

Mr. Hasan Mahomed Kala made a public statement that he regretted having made the application for registration and that he wished to withdraw it. I now find that, on the very day that he wrote this letter declaring his intention to withdraw his application, he wrote another private letter to a friend of his saying that he would be glad if the title-deed of slavery were issued to him immediately, and expressing concern at the delay. I expose this duplicity merely as a matter of duty with a view to preventing a recurrence of such instances among us. I am very sorry that Mr. Kala was one of the pickets at Pietersburg, which gave occasion to Mr. Chamney to assert that even pickets had applied for registers.

What Does Voluntary Registration Mean?

This question has often been discussed in this paper, but I find that there are still many Indians who do not understand the meaning of voluntary registration. The whites did not understand what the new law meant till the time [for its enforcement] came; we are in the same position. The main point of difference between voluntary registration and registration under the law is that the law confers upon us the status of slaves, whereas voluntary registration gives us human dignity. To submit to registration under pressure by the Government is like riding an ass. To register ourselves voluntarily is like riding an elephant. Even though in voluntary registration we may have to supply the same particulars as under compulsory registration, the former is to be preferred; on the contrary, compulsory registration will not cease to be slavery even if the specific indications of slavery are removed therefrom. It is a very harsh law, and that is the reason why the local Government clings to it like leeches, and we have been striving for these fifteen months to prevent their sticking on to us. In other words, we wish to be on a footing of equality with the whites, and the whites want to degrade us. The law will involve violation of our oath and bring us lasting disgrace. If anyone asks why even voluntarily we should have our documents exchanged, the question can be easily and simply answered:

(1) Just as we have taken an oath against the law, so also have we offered to have our documents exchanged voluntarily. If now we refuse to do so, we shall have gone back on our word and proved ourselves liars.

(2) Indians are charged by many people with entering [the Transvaal] under false permits or without permits. By voluntary registration we can disprove the charge; it is our duty to do so, and it is because we have shown ourselves ready for it that we have been able to win the sympathies of people everywhere.

(3) To resist voluntary registration is to admit that we have been in the wrong.

(4) By voluntary registration we shall win still greater prestige than we have gained so far. It should be remembered that, as a general rule, it is only when people refuse to do a particular thing of their own free will, i.e., prove their weakness, that the law intervenes and exercises compulsion. There are many Kaffirs who do not of their own accord stop drinking, hence wherever it is found necessary to use compulsion against them, legislative measures are resorted to to stop them from drinking. The man who stops drinking under compulsion by law, and not as a matter of duty, cannot be called a virtuous man. It is the man who of his own free will avoids drinking that is really virtuous. There is the same difference between compulsory and voluntary registration.

(5) Voluntary registration will always keep us free. For, under it, no one can bind us more than we bind ourselves of our own accord. A volunteer enlists himself for war only when he chooses to do so. A mercenary who is driven by necessity to enlist himself is bound to fight whenever called upon to do so.

We can enumerate many such advantages of voluntary registration. For the present, these are enough. No reference is made here to finger-prints, etc. For, that will be a matter of our own free will. But we shall consider next week the difference, from a scientific point of view, between ten finger-prints, and two thumb-impressions. For the present, what is necessary is to understand the exact meaning of voluntary registration.

Objection

In view of the possibility of a compromise at any time now, the Association has started giving thought to the question of voluntary registration. An objection has been raised to this by some gentlemen, who want to know why all people are not being consulted. The objection has no force. If the question of voluntary registration were a new proposal, it would have been undoubtedly necessary to invite delegates from all places, but the resolution concerning voluntary registration was passed at the mass meeting in the Empire Theatre by delegates representing all the places, and they had fully acquainted themselves with all facts relating to voluntary registration. Hence, there is no

further need to consult delegates from all places. Moreover, there is no time for it. All the same, every Indian can express his opinion at any time. We want that this struggle should lead us to a better understanding of political matters. We also want to learn how meetings are conducted, how other associations are run and how public work is organized. We have been fighting a strenuous battle to get the new law repealed, claiming that we are really a civilized people; if so, a proper understanding of the points referred to above is a mark of being truly civilized.

Why Test Case Should Not Be Made

Some gentlemen have been arguing why we should not make a test case against the new law. I have expressed myself against this for two reasons.

First, we are not fighting to make a test case, but to prove our strength by going to gaol. There is nothing as effective as one's own strength. If we proceed to make a test case, our struggle will get into a mess and we shall invite ridicule. The whites will immediately say: "What happened to those who were to go to gaol?" Hence, making a test case will amount to an admission of weakness.

Second, the Privy Council will hardly be able to invalidate the new law or any other laws of the Colony. An opinion has already been expressed against us by Mr. Leonard, Mr. Esselen, Mr. Gregorowski, Mr. Duxbury, Mr. Ward and Mr. De Villiers. The Supreme Court has pronounced many judgments which go against us. If the Privy Council were to invalidate the new law, that would mean that the laws passed against Kaffirs would also be *ultra vires*. This can never happen. If, by any chance, this did happen, immediately new laws would be passed to set matters right. In the end we would only be where we were to start with. We have called for [legal] opinion from England, which Mr. Ritch has not been able to send so far. For, no one except Sir Raymond West is prepared to give it. It should also be remembered that Sir Raymond West had advised us to make a test case instead of opposing the law. Now, that gentleman has come over to the side of passive resisters. How can a test case be made, then? Moreover, no one should forget that a test case will mean an expense of £1,000. Who will be able to raise such a sum? At the same time, let us be careful not to assume that the Government will not harass people while the test case is pending. The law cannot remain suspended in the meantime.

Hamidia Society Meeting

A large meeting was held again on Sunday. So many people had collected that it was impossible to accommodate them in the hall. Hence the meeting was held in the open ground outside. Messrs Cachalia, Suj, Manibhai Desai, Pillay, Gopal, Beg and Vyas

had come down specially from Pretoria. Mr. Emam Abdool Cadir was in the chair. The meeting was addressed by him, and by Messrs Beg, Suj, Cachalia, Naidoo, Hajura Singh, Ahmed Khan, Alibhai Akuji and other gentlemen. Mr. Gandhi explained the situation. Mr. Moulvi Ahmed Mukhtiar, who had returned from Delagoa Bay where he had gone to attend to some work, explained [the situation] to the people and, in the end, it was agreed that voluntary registration must be accepted; there were, however, two Punjabi gentlemen who were against giving thumb-impressions. Others argued that there was no objection to giving them voluntarily. This spirit of the people deserves admiration. It shows that people are not afraid of expressing their views, and that they speak out with courage. Those who did not understand anything about the law six months ago now understand something of it. All this is the result of our trying to depend on our own strength. I think everyone will come round in the end for, there is no humiliation in giving two thumb-impressions. It is humiliating to do so under compulsion. Once the law is defeated, we can claim to be free.

Pathetic Condition of Delagoa Bay

Moulvi Saheb reports about Delagoa Bay that, at a time when throughout South Africa the Indian community is awake and fighting for its honour, the leaders there are sunk in lethargy. They silently endure whatever harsh treatment the Government chooses to mete out to them. People do not care for their honour. They look upon money as their God. And with the Government they behave like submissive courtiers. Will not the Indians of Delagoa Bay rouse themselves from this pitiable condition?

Strength of Indians

The Government is betraying more signs of weakness every day on the question of the new law. Even the whites see this. Two amusing cartoons (comic drawings which carry some meaning) are published in the *Rand Daily Mail* and *The Sunday Times*. One of them shows General Smuts firing the pistol of the new law at the Indians. The Indian says: "Do your worst. We shall never submit to the law." General Smuts then explains: "Don't say so, pal. My blooming gun is out of order." In the other cartoon, General Smuts and some Government officers want to cut off the heads of the Indian leaders with spears. But the horses are altogether exhausted with the effort, and the riders themselves have become breathless; and still the heads of the leaders are intact. Both these cartoons reveal the state of mind of the whites. The editor of this paper is trying to secure the two cartoons for the readers of *Indian Opinion*; hence I don't write more about them.

Success of Association

The Municipality has passed a regulation prohibiting Indians from riding in a first-class carriage. The readers will recall the letter[1] that Mr. Essop Mia wrote against it. Now General Smuts has written to say that the law will not be approved by the Government. Is it that General Smuts has also changed a little? This shows that it will do nothing but good to the Indian community if it asserts itself.

No Passports

A representation was made to Lord Selborne against the refusal of passports to Mr. Moosa Ismail and Mr. Davaji, in reply to which Lord Selborne has said that, if the Government did so, that would be tantamount to admitting the right of Indians to return even without having been registered. This matter is not likely to rest here. Mr. Gandhi has addressed another letter[2] to Lord Selborne on the question. If this decision remains final, it will prove that Indians are not British subjects at all. All right, let that be so. Our struggle will gain more strength.

One Section of New Law

One of the sections of the new law was considered to be in favour of the heirs of the late Mr. Aboobaker. It was made much of by Lord Selborne, Lord Elgin and everyone else. Now even that is gone. General Smuts raised an objection to transferring land to the heirs under that section, saying that it could not apply to this case since the land was already transferred to the name of a white. The objection was upheld by the court, though it expressed sympathy [for the heirs]. But what is the use of such sympathy? This means that in the present case, even that one section of the law is proved to be of no avail. This matter, too, is not likely to rest here. The heirs are thinking of proceeding to obtain relief. Meanwhile, the adverse decision in this case has given one more argument against the law. And correspondence on the subject has commenced.

Victim of Law

The new law, like the god of destruction, goes on devouring new victims. The monster is fond of Indian blood. Many waiters have lost their jobs, and labourers are out of employment. We know of the protest made by the soldiers. Now Mr. Mohanlal Joshi is in trouble. He had a well-paid job as an interpreter in the court at Pretoria. He is relieved of his post by the Government for failing to take out a register. This is nothing but extreme tyranny. Though a man with a family, Mr. Joshi

[1] *Vide* "Letter to Colonial Secretary", p. 412.

[2] Not available

sacrificed his job for the sake of the country and upheld the honour of the community, on which I offer him my congratulations. It is the duty of Indians to find jobs for those who are thus thrown out of employment. If any Indian needs a clerk, I would strongly urge him to employ Mr. Joshi or others like him who become unemployed.

CONDOLENCES

Mr. Dadabhai, the well-known businessman here, has had news from home that his eldest son has died of the plague. He is very much depressed by the news. I join all those who have offered their condolences to him.

CASE AGAINST ESSAK

This case came up for hearing on Wednesday before Mr. Jordan.[1] The charge against Mr. Mahomed Essak was the same as that against 37 other Indians. Mr. Chamney was also present. The officer who gave evidence against him, repeated what he had said in the case of the other thirty-seven people. Mr. Gandhi, without giving any evidence for the accused, asked for his discharge. Giving a long judgment, Mr. Jordan held that Mr. Mahomed Essak had the full right to reside [in the Transvaal] under his [old] permit, and that he could not at all be deported under the Peace Preservation Ordinance. He was therefore discharged.

LINDSAY'S SPEECH

Mr. Lindsay is one of the leaders of the Progressive Party. He said in a speech that the Government would not be harsh with the Indians. The Immigration Law was not intended to be used against them. There was only one way of expelling the Indians, and that was to stop issuing licences to them. That would be done from January. I treat this as mere raving. First, it was imprisonment. Then they started talking of deportation. Now they have come to licences. And so, gradually the law will vanish altogether if the Indian community keeps up its courage and remains united till the end.

[From Gujarati]
Indian Opinion, 14-12-1907

[1] *Vide* "Trial of Mahomed Essak", p. 411

328. LETTER TO COLONIAL SECRETARY

[JOHANNESBURG,
December 14, 1907]

[THE HON'BLE THE COLONIAL SECRETARY
PRETORIA

SIR,]

I have the honour to state that I was discharged yesterday from the Johannesburg gaol. I was sentenced to be imprisoned for one month under the Peace Preservation Ordinance and the Asiatic Law Amendment Act for remaining in the Colony without a permit, my permit having expired on the 30th day of September last. The reasons for my having disobeyed the order of the Registrar of Asiatics that I should leave the Colony are set forth in the letter addressed to him by me. The Hindu temple at Germiston, in its present form, owes its existence to me. I was, and still am, the only priest in charge. On proceeding to the temple yesterday, I found it in a desolate condition. The temple had remained closed for the whole of the month. I cannot here describe adequately the state of my feelings on seeing the condition of the temple yesterday.

I am aware that now, in accordance with the laws of the Colony, I should leave it within 7 days if I wish to escape imprisonment. But a law higher than the laws of the Colony dictates to me another course that, as a British subject, and as a preacher of religion in charge of the Hindu temple at Germiston, I should adhere to my duty, irrespective of all consequences. With due submission and in all humility, and consistently also with my duty to the Imperial Government and to the local Government, I beg now to inform you that it is not my intention to leave the Colony. The Hindu congregation at Germiston and I myself would appreciate the strength of the Government in allowing me to continue my duty to my temple and congregation by issuing to me a permit, for which I hereby apply.

In this connection, I cannot help stating that the charges, of which I still know nothing, hinted at by the Registrar of Asiatics and which were given as the reason for refusing to extend my permit, were, so far as I have guessed them, unfounded. If there are any charges against me, I request that they may be formulated and I may be put on my trial; and, if I have, in anything I have done, departed from my religion, as I know it, or from my avocation of priest, I should immediately and voluntarily leave the Colony. If the charges are such that they cannot be brought against me legally, even then I should be prepared to answer

them before any impartial person with a legal training who might be specially appointed by the Government for the purpose. This is the least that I venture to claim from a civilised and Christian Government.

[*I have, etc.*,
RAM SUNDAR PUNDIT]

Indian Opinion, 21-12-1907

329. *LETTER TO COLONIAL SECRETARY*

JOHANNESBURG,
December 18, 1907

THE HON'BLE THE COLONIAL SECRETARY
[PRETORIA]

SIR,

RE: ESTATE [OF] LATE ABOOBAKER AMOD

As the Government is aware, Clause 17 of the Asiatic Law Amendment Act was inserted in order to give relief to the heirs of this Estate and to enable them to hold Erf 373 in Church Street, Pretoria, purchased by the late Mr. Aboobaker Amod before Law 3 of 1885 was passed. Before the Clause was drafted last year, the circumstances under which the property was transferred in favour of Mr. Polak were placed before the then Attorney-General and it was understood that the Clause was drawn up in order to meet the case. A Deed of Transfer was duly framed to register the Erf in favour of the heirs, who are British Indians, and submitted to the Registrar of Deeds. He, however, threw out the transfer, because in his opinion the case was not covered by the Clause in question. The matter then went before Mr. Justice Wessels in Chambers, who upheld the Registrar's contention. The Clause in question has thus proved ineffectual for giving relief to the heirs. May I venture to trust that the Government will grant relief to the heirs? In my humble opinion, the most expeditious method of doing this would be to declare that portion of the street capable of being held by British Indians.[1]

I have, etc.,
M. K. GANDHI

Indian Opinion, 1-2-1908

[1] This was, however, declined by the authorities.

THE GOVERNMENT: "Whew! Never thought of meeting *This!* Hard leap!" (Left running [illegible]

The Desperado and the Passive Resister.

PERADO —Prepare to meet your end!

SIVE RESISTER (Mr Gandhi) —Yea, brother Smuts, I am prepared Pray do your worst.

PERADO —Heavens, man! Don't say that The blooming gun won't work!

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330. LETTER TO GENERAL MANAGER, C.S.A.R.

[JOHANNESBURG,]
December 20, 1907

THE GENERAL MANAGER
C.S.A.R.
JOHANNESBURG

SIR,

The matter of the Standerton Indians in the employ of the C.S.A.R., about which I had the honour of speaking to you through the telephone, seems, the more I think of it, of such serious importance that it will be the duty of my Association to thrash it out as a question of public morality and also, if need be, of law. My Association, however, is most anxious to avoid a legal struggle, and I, therefore, venture to ask you, if you can see your way to do so, to pay the men a month's wage in lieu of notice. In my humble opinion, that is the least consideration to which the men are entitled. I should, perhaps, state that I have telegraphed to the Standerton Committee asking them to advise the men to accept whatever may be paid to them, subject to their right to claim wages in lieu of a month's notice.

I have, etc.,
M. K. GANDHI
HONORARY SECRETARY,
BRITISH INDIAN ASSOCIATION

Indian Opinion, 28-12-1907

331. IMPATIENCE

We observe that some Indians in the Transvaal are getting impatient to see the end of the struggle. But the end is not in sight just yet. Great things are not achieved in a day. Everywhere in South Africa people know that this is a struggle for the honour of Indians. It is intended to prove that we are a nation, that we ought to have our rights, that we are free. What is the point of being hasty when fighting for such big stakes? The end will come only after a large number of persons become seasoned in gaol, the others remaining unbending, meanwhile.

It will be seen from our Johannesburg Letter this week that General Smuts is in no mood to yield. It will appear from this that he has been

privately informed that the Indians will give in at last. He has yet the weapon of licences which he can use. Why should he abandon oppressive measures against the Indians before he has tried out every means? Warriors on the battle-field yield only as a last resort. No one should imagine that our struggle is not a battle because it involves no bloodshed or use of real ammunition. Ours also is a battle, with this difference, that in it, the right being on our side, there can be only one result. If we become impatient, that will mean that to that extent we are less in the right. If truth is to win, it can be only in the fulness of time. In fact, it wins soon enough, but when we look at the matter superficially, we get an impression of long delay. Those who are prepared to defend their oath and honour at any cost, as they would defend their life, have nothing to lose if the result is slow in coming.

[From Gujarati]
Indian Opinion, 21-12-1907

332. RAM SUNDAR PUNDIT

Punditji has been released. And he may have been also rearrested by the time this issue reaches the hands of our readers. His life is no longer his own, it belongs to the public. He has placed himself at the disposal of the community. It is not possible for him now to retreat. His spirit deserves admiration. There is a heavy responsibility on him. He is a priest, and also a preacher. We hope to see in him the spirit of renunciation. Such men ought to be without any attachments, and naturally modest, gentle, truthful and free from greed. Till there is a large number of such men, it will not even be possible for India to be free. Punditji has taken a big step. We hope and pray that he will retain the honour that he has won.

[From Gujarati]
Indian Opinion, 21-12-1907

333. HAJEE HABIB

Mr. Hajee Habib has now left the Transvaal to settle in Durban. There was, therefore, a farewell party in his honour at Pretoria, which we report in this issue. The community is passing through such difficult times at present that we can hardly give attention to arranging a function in honour of anyone, otherwise Mr. Hajee Habib would not have left Pretoria with nothing more than a party. He has had a long record of [public] service. It is impossible to make a proper return for all

that he has done for hundreds of men. While doing all this, Mr. Hajee Habib never gave a thought to his own interests. He always held himself ready for public work. He was as able as he was keen. White officers found it difficult to enter into argument with him. We hope that Mr. Hajee Habib will render the same service in Durban that he did in the Transvaal, and take full part in public activities.

[From Gujarati]
Indian Opinion, 21-12-1907

334. RAM SUNDAR PUNDIT[1]

Mr. Ram Sundar Pundit was released from gaol on the 13th. A large number of Indians were present to give him a fitting reception. They included Mr. Essop Mia, the Moulvi Saheb, Messrs Fancy, Thambi Naidoo, Gandhi and others. From Pretoria, there were Messrs Cachalia, Pillay and Gopal. He came out of the prison exactly at half-past eight. The Chinese Association was represented by Mr. Quinn and others. Punditji was enthusiastically received with garlands and bouquets.

[From Gujarati]
Indian Opinion, 21-12-1907

335. JOHANNESBURG LETTER

Additions to Blacklegs

For once, the Asiatic Office has proved to be right. It says that, in all, 511 Indians have applied for registration as slaves. According to Indian estimates, only 399 persons had applied. But I realize from reliable information received by me that the correct figure is 511. Besides, there is the more painful information that gentlemen like Mr. Hasan Mia Camroodeen Zatam, of the firm of Sheth M. C. Camroodeen, Mr. Gulam Mahomed Hurzug, the Treasurer of the Anti-Indian-Law Fund, Mr. Hajee Cassim, Mr. Haji Jusab of Pretoria and Mr. Ally Habib have had their faces blackened. I shall not say anything about Mr. Hasan Mia. I think he has lost his balance of mind in connection with this law. Mr. Gulam Mahomed's case is very much to be regretted. It appears that they performed the black deed in great secrecy. There have been rumours about them for quite some time, but I did not [so far] attach any weight to them. I feel ashamed to find that the

[1] This was published as "A Special Report".

rumours have proved true. Mr. Hajee Cassim and Mr. Ally also appear to have registered themselves quite secretly. Their words come back to me even as I write this. There is no point in reproducing them. But I think it is at any rate my duty to say that, if persons like Mr. Hajee Cassim and Mr. Ally wanted to get themselves registered, they should have come out boldly in the open to do so. I see their names at the end of the list. That shows that they got their hands soiled at the very last minute. They will feel hurt by what I write. I assure them that they could not feel more hurt than I did when I heard of their cowardice. I am obliged to publish these names, hoping that the community will thus be rid of false personal considerations, groundless fears and corruption. In addition, I also see the names of Khoja Velsi Keshavji and Khoja Manji Keshavji. There are other names with me, but I shall publish them later. This time I have given only the more prominent ones.

Appeal to Blacklegs and Suggestion

People's memories being short, I assume that in the course of time we shall forget the black deeds of the black-faced ones. We shall remember that, notwithstanding their acts of treachery against the community, they are Indians. If they feel really ashamed and desire the good of the community, they can take part in the struggle that will commence in January. They will have to produce the title-deeds of slavery when applying for licences. If they do not produce them, they will have the privilege of bearing the hardships which will be inflicted on the other Indians who have not accepted slavery. Any blackleg who regrets what he has done can act in this manner. I hope that there will be at least a few who will show such courage.

What Will Happen in January?

The suggestion made above immediately raises the question about January. We should think of January as we thought of December. The Government did not—could not—show its strength in December; I think the same will be true of January. That no one would be arrested in December could not, however, be anticipated. I don't believe that no one will be harassed likewise in January. It must be distinctly remembered that those who cannot produce the title-deed of slavery will not get licences. The Government will have no need to yield on that point. Since a notice has been issued to that effect, it is bound to be acted upon. What, then, should be done? The reply has been given several times in the past; it is, that we should trade without a licence. If arrested and fined, *one should not pay the fine but go to gaol instead.* Gaol-going is the only unfailing remedy. The different kinds of licences are not all issued by the Government. Licences for Kaffir eating-houses and for

hawkers are issued by the municipalities. The Government has no power to arrest men who are concerned only with such licences. The municipalities will decide what should be done. It is probable, therefore, that some of these at least will make an attack. For instance, the Boksburg Municipality. There is no need to get frightened on this account; rather, one should be glad of it. I don't agree that it is good that the Government has not started the attack yet. It is up to us to wrest our freedom, such is the present struggle. That being so, we shall not acquire real courage till a large number of us have gone through the hardship of imprisonment. It has already been declared that Mr. Gandhi will run down to defend those who are arrested in connection with this struggle. "To defend" here means "to see the brave one off to gaol". I am sorry that, in the matter of licences, there is provision for a sentence of fine and imprisonment in case of default. Temptation is a bad thing. Great harm will be done if anyone succumbs to the temptation and pays the fine. I hope therefore that every Indian will pledge himself never to pay any fine in this matter, either in his own case or on behalf of someone else.

What about Compromise?

Thinking of January, we are naturally led to ask what happened to the move for a compromise. I point out in reply that I for one had taken into account every eventuality. Efforts for a compromise are continuing. But I feel that there will be no compromise till the Government has tried out the weapon that will be available to it in January. Meanwhile, everyone can see that the Indians have grown very much stronger. An increasing number of newspapers controlled by the whites condemn the Government and wish success to the Indians. If anyone had expressed himself in favour of us three months ago, he would have been laughed at. But just as the newspapers controlled by the whites have now started writing in our favour, so also will the whites themselves get fed up when in January they find a large number of Indians in prison, and will ask the Government to release them. It is just in a manner of speaking that we use the word "compromise". Its strings are in our hands. When we have proved our worth, our manliness, people will come seeking compromise with us, so irresistible are manliness and truth.

Cartoon in "The Critic"

The Critic has published an amusing cartoon this time. It shows an Indian flourishing a placard, with the words "No Power of Deportation", and General Botha and his ministers running away from him. There have been so far three cartoons on "passive resistance", including this one.

GOVERNMENT'S OBSTINACY

It appears that General Smuts has given a blunt refusal to those who were seeking a compromise. He declares that he has not the slightest intention of repealing the law or withdrawing the notice. These threats of General Smuts need not frighten anyone. He is in the habit of talking whatever comes into his head. He will grow wiser when he begins to carry out his threats.

AID FROM UITENHAGE

Indians at Uitenhage have sent contributions in aid of the struggle, for which the Association has offered them thanks. I hope that others will follow the example of these friends. If the Indians at Port Elizabeth have raised a fund, they should send it [to the Association].

AID FOR SOUTH AFRICA BRITISH INDIAN COMMITTEE

A sum of £16.8.6 has been received from the Hindus of Potchefstroom through Mr. Ratanji Lakhmidas and £5 from Mr. Nanaji Ghela for the Committee. If similar contributions are received from other Indians, the Committee will probably be free from its difficulties. It should be remembered that the expenditure that Mr. Ritch has had to incur on account of the serious illness of Mrs. Ritch is being met out of the funds of the Committee.

BHIKHA NARAN

Some information about this person has already been given. He was working as a servant with Mr. Dell Lace. He feels extremely sorry now. He has handed over to the Association the acknowledgment for his application. He has left for India without taking out the title-deed of slavery. His relatives were very much annoyed with him for his having disgraced himself and were thinking of declaring him an outcast. But they appear to have calmed down after he had left for India. Here is an instance to prove that a slave cannot be happy even in his dreams. It happens quite often that being the servant of a white turns a man into a coward. Bhikha Naran was engaged by Mr. Lace to look after his washing.

POLICE IN PRETORIA MOSQUE

After the incident of Banutkhan and Haji Ebrahim, police are posted at the mosque in Pretoria every Friday to prevent a breach of the peace. The presence of the police brings disgrace to the community. It implies that the trustees of the mosque are weak. I hope that they will take immediate steps to stop the posting of the police, if they have not done so already.

NEW INDIAN ADVOCATE

Mr. George Godfrey was enrolled as an attorney in the Supreme Court on the 13th. Most probably he will practise in Johannesburg. I offer him my congratulations. Mr. George Godfrey is the third son of Mr. Subhan Godfrey to have received education in England. They are now preparing to send the fourth son for medical studies.

ASIATIC OFFICE

Mr. Burgess has been informed that his services will not be required after January 31 [1908]. Similarly, three clerks (whose names I shall report later) have been relieved in Pretoria.

DELEGATES TO CONGRESS

A cable has been received from Mr. Ameeroodeen Fajandar to say that he reached Bombay safely on the 17th.

EUROPEAN CHAMBER OF TRADE AT JOHANNESBURG

A meeting of the Chamber was held during this week, at which a resolution was passed expressing the hope that the Government would enforce the provisions of the new law. One of the speakers asserted that there was considerable pressure from the Imperial Government on this question. It was therefore necessary for the people of Johannesburg to support the Government.

ASIATIC OFFICE

The clerks in the Asiatic Office who have been relieved along with Mr. Burgess are Mr. Dobson, Mr. Barker, Mr. Valks and Mr. Sweet.

[From Gujarati]
Indian Opinion, 21-12-1907

336. LETTER TO GENERAL MANAGER, C.S.A.R.

[JOHANNESBURG,]
December 21, 1907

THE GENERAL MANAGER
C.S.A.R.
JOHANNESBURG

SIR,

This morning I received from the local Indian Committee at Standerton a letter of which the free translation is as follows:

> The balance of the month's rations that were given to the railway employees in the beginning of the month was all taken away from them, and the rooms that were occupied by them were

unroofed yesterday (19th inst.). Therefore, all have come here. The Committee has arranged for their accommodation. They worked until noon yesterday, but they were not paid anything for that day. They implored that they might be allowed to go to town to find accommodation, and then take away their wives and children, but even the children have been put out.

You were pleased to give me your assurance, and I notice the same assurance repeated in your communication to the press, namely, that there is no desire on the part of your Department "to act harshly or to take advantage in any way of its rights". If, therefore, there is any truth in the above communication, the officials who were carrying out the instructions have evidently been guilty of a grave dereliction of duty. May I ask you kindly to make the necessary inquiries, and let me know?

I have, etc.,
M. K. GANDHI
HONORARY SECRETARY,
BRITISH INDIAN ASSOCIATION

Indian Opinion, 28-12-1907

337. SPEECH AT HAMIDIA ISLAMIC SOCIETY

[JOHANNESBURG,
December 22, 1907]

We should not be overjoyed at this victory.[1] At the time of the Boer War, the Dutch at first pretended to withdraw and then attacked the British. In the same way, the Government may, perhaps, pretend to have been defeated and may strike later. Therefore, we should only think that our struggle has just started. If they withhold the licences, we must carry on trade without them and, on being arrested, should go to gaol rather than pay the fine. Further, we must build a Hall of Unity. It can be done with a small amount. We can thereby provide employment to the Indians who have lost their jobs. We should again call a mass meeting to explain to the people .the position about the licences.

As Moulvi Mukhtiar Saheb's permit was due to expire, Mr. Gandhi discussed some points connected with that and with the struggle.

[From Gujarati]
Indian Opinion, 28-12-1907

[1] The reference is to Ram Sundar Pundit's release. *Vide* "Ram Sundar Pundit", p. 443.

338. SPEECH AT HAMIDIA ISLAMIC SOCIETY[1]

[VREDEDORP,
December 27, 1907]

Mr. Gandhi said, when he read the announcement with reference to the Immigration Restriction Act that morning, the first thing that voluntarily came to his lips was that Lord Elgin had put an undue strain on Indian loyalty. Lord Elgin, an ex-Viceroy of India, had forgotten altogether Indian traditions. When he advised His Majesty to sanction this legislation, he forgot altogether that he was trustee for the millions of India. He forgot altogether that India was today on the brink of a departure which had been unknown in Indian annals. India has never been revolutionary, but today they found that the revolutionary spirit had crept into the minds of some Indians. It would be a bad day for India when that forcible revolutionary spirit gained a substantial footing, but he could not help saying that Lord Elgin had sown the seed. If this had been confined to the student world, it would probably never grow in Indian soil, but he found today that the merchant, who did not know a word of English, was steeped in the new spirit with reference to the Act and its evil. He felt proud of the fact that he had taken so much part in the matter. But he coupled with that the statement that his thoughts had been their thoughts, and in expressing them he had, if anything, moderated them. It was for this reason that he expressed the feeling that Lord Elgin had put an undue strain on Indian loyalty by sanctioning this Immigration Restriction Act. That Act, to his mind, was a barbarous Act. It was the savage Act of a civilized Government, of a Government that dared to call itself Christian. If Jesus Christ came to Johannesburg and Pretoria and examined the hearts of General Botha, General Smuts and the others, he thought he would notice something strange, something quite strange to the Christian spirit. He (Mr. Gandhi) recognized that in proceeding under the Act, General Smuts had selected those men who had been in the public eye, and had not laid his hands on the poor people. And he had not the slightest doubt that if those men who had to appear before the magistrate were imprisoned or deported, those who remained behind would be firm in opposition to the Registration Act. But

[1] Gandhiji addressed a crowded meeting in the Hamidia Islamic Society hall in the evening. Earlier that morning, Gandhiji had received a telephone message from Mr. H. F. D. Papenfus, Acting Commissioner of Police for the Transvaal, asking him to call on him. Upon arriving there, he was informed that arrests had been ordered of himself, Thambi Naidoo (chief picket, Johannesburg), P. K. Naidoo (picket, Johannesburg), C. M. Pillay, Jamadar Nawab Khan (pickets, Johannesburg), Karwa (ex-soldier, Johannesburg), Leung Quinn (Chairman, Chinese Association, Johannesburg), John Fortoen (Chinese picket), Martin Easton (Johannesburg), Ram Sundar Pundit (Germiston), G. P. Vyas (Pretoria), A. F. C. Beg (Pretoria), M. I. Desai (chief picket, Pretoria), A. M. Cachalia (Pretoria), Ismail Suliman Suj (Pretoria), Goolam Mahomed Abdool Rashid (Pretoria), B. Gangaram (Pretoria), V. U. Sheth (Pretoria), Ismail Jooma (Pretoria), Rahmat Khan (Pretoria), M. M. Khanderia (Pietersburg), Amershi Gokul (Pietersburg) and Ambalal (Pietersburg). Gandhiji gave his word that all would appear before the respective magistrates at 10 a.m. the next day, Saturday, December 28. Mr. Papenfus accepted this guarantee. *Vide Indian Opinion*, 4-1-1908.

this Registration Act gave powers which would press hard[1] on the poor husbands. They might be taken away from their families, and he instanced the case of Mr. Naidoo, who had shone brilliantly throughout the campaign. He had a wife and five children who had been in the Colony for five years. What was to happen if he were deported, and who was going to take care of his wife and children? He could not find a single section in the Act which was to protect the families of those deported. What was it the Government wanted to do? Why had it not the honesty to tell the Indians they were not wanted in the country? And why this indirect method of enforcing its powers? He had called some sections of the Act savage, and he said they were only worthy of an uncivilized Government. If those powers were so used and if all of them were deported or imprisoned, that were an honour for them rather than that they should forsake their solemn obligations and bid good-bye to their manhood and self-respect only because they were earning a few miserable pence or pounds. He would never be sorry for the advice he had given them, and he also said, with reference to their 15 months' fight,[2] that it was well done. This was legislation which no self-respecting nation and no self-respecting man could accept—not because of its regulations, but because it was class legislation of the worst type, based on entire distrust of the community and based on charges flung against them without any proof. They had asked Lord Selborne and General Smuts that these charges should be proved before an impartial tribunal. They were brought by a man steeped in prejudice and incapable of judging facts. Why should the Government not acknowledge that the least due to them was a fair trial? He did not dwell on the fact that the Indians had no representation, but he did dwell on the fact that the Government should be so callous in reference to the feelings of the people who had no representative. It seemed to him that they had come to the parting of the ways. The Imperial Government must hesitate if it meant to retain its hold on the people of India through their affections and not at the point of the bayonet. England might have to choose between India and the Colonies. It might not be today or tomorrow, but he felt the seeds had been sown by Lord Elgin's action. It had not been possible for him to choose soft words or to strain his comment when he found the Asiatic Act with the Immigration Act super-added. There was a story of how Mahomed and two[3] fellows were sheltering in a cave, being pursued by a large hostile force. His companions began to quail, and asked what they three could do against such heavy odds. "You say 'We three'," said Mahomed, "I say 'We four', for God is with us, and with Him on our side we shall prevail." God was with them, and so long as their cause was good, he did not mind a bit what powers the Government were given or how savagely those powers were used. Even then he would give the same advice that he had ventured to give them for the last 15 months.[4]

Indian Opinion, 4-1-1908

[1] The original has "hardly".

[2] The struggle was launched in September 1906; *vide* Vol. V, pp. 417-23.

[3] The original has "three".

[4] The meeting unanimously adopted a resolution protesting against the Immigration Restriction Act, a copy of which was to be forwarded to the Imperial Government through the High Commissioner.

339. INDIANS IN DELAGOA BAY

We publish in another column the full text of the remarkable regulations framed by the local Government at Delagoa Bay to restrict Asiatic immigration. The regulations deal with three kinds of immigrants, or, rather, Asiatic visitors: (1) those who may leave Delagoa Bay; (2) those who may enter Delagoa Bay from outside districts; (3) Asiatics from Portuguese possessions in Asia. They have decidedly a Transvaal flavour about them. The Asiatics at Delagoa Bay, who have approached the Governor-General, have been told that the regulations are necessary because "the province is threatened with a large influx of Asiatic immigrants from the neighbouring colonies, and that they are of a merely temporary nature". We trust that the British Indians at Delagoa Bay will not rest satisfied with the explanation given by the Governor-General. As a matter of fact, there is absolutely no influx into Portuguese territory from the Transvaal, and, even if there were, there would be little justification for harassing the domiciled British Indians in that Province. Why, for instance, should they possess a special going-out permit? We understand that permanent documents have already been issued to them. Why cannot British Indians leave Delagoa Bay without a licence and without proving that they are neither criminals nor bankrupts? Under given circumstances, probably such a precaution may be in the interests of public justice, but Asiatics have by no means a monopoly of crime and bankruptcy. Europeans leave Delagoa Bay as often as they please without having to prove that they have not criminally broken the laws of the country, or become insolvent. The only redeeming feature of these harsh regulations is that the Portuguese Government, unlike Colonial British Governments, have recognised the necessity of drawing a broad distinction between Asiatics who are their own subjects and those who are not. We trust that, as Delagoa Bay is a foreign country, Lord Elgin will find it possible to secure some measure of relief from these vexatious restrictions.

Indian Opinion, 28-12-1907

[1] Not reproduced here; *vide* also "Indians of Delagoa Bay", p. 454.

340. *WHAT TO DO FOR THOSE THROWN OUT OF EMPLOYMENT?*

The reader will gather from this issue that the Indian railway workers at Standerton and Heidelberg have lost their jobs for refusing to submit to the obnoxious law. What should be done if a large number of people become unemployed in this manner? This question ought to engage the attention of every Indian. We have repeatedly stated that, if anyone suffers monetary loss before he is imprisoned, he will have to bear the loss himself. The community can offer no help in such a case. But it will be cruel to remain indifferent when hundreds of people face starvation. We are told, besides, that starvation may drive a man to the meanest of jobs.[1] In India, people in famine-stricken areas are driven by hunger to sell their children. It should not then be surprising if such ignoble hunger drives men to take out registers. If therefore a large number of men are thrown out of employment, it will be necessary to provide aid to them. Every Indian must think of this problem and send whatever he can to the Association at Johannesburg. The next question to consider is what should be done after money has been collected. If doles or allowances are paid to people for days on end without taking any work from them, that will only encourage vice and harm the recipients. We are therefore of the view that the services of such people should be utilized for some public work project. Mr. Gandhi has suggested the construction of a big hall. It is a difficult undertaking, but worth taking up, and will be very easy to carry out if there is a large number of Indians to help. It will serve three purposes. The community will have a big building in the Transvaal for political purposes; jobless Indians will be provided with means of livelihood and the Indian struggle will get wide publicity through the construction of such a big building. Indians outside the Transvaal ought not to be tight-fisted, taking the view that, in case the Transvaal Indians build a hall, they alone will get the benefit of it. Whether the hall is built or not, aid has to be provided to the jobless. It is a problem that should engage the attention of every Indian. If a hall is built, most of the expenditure will have to be borne by the Transvaal Indians themselves.

[From Gujarati]
Indian Opinion, 28-12-1907

[1] The Gujarati proverb quoted here literally means: Hunger will drive a man to hard manual work, even to join a musical band.

341. BRAVE WOMEN[1]

Women in England have surpassed all expectations. When the Indian community started the struggle against the obnoxious law in the Transvaal, the suffragette movement in England was many months old. They are still continuing the struggle undaunted. The struggle of the Transvaal Indians is nothing when compared with the courage and the tenacity of these women. Moreover, they have to face opposition from many women. There is a much larger number of women against than in favour of franchise for themselves. Though a mere handful, these women do not admit defeat. The more they are repressed, the more the resistance they offer. Many of them have been to gaol. They have borne being kicked and stoned by base and cowardly men. There was a cable last week that they had resolved to intensify their struggle still further. There are taxes to be paid to the Government by these women or their husbands. If they do not pay the taxes, whatever things they possess can be auctioned. They may even be imprisoned. The women have now resolved that they will not pay any taxes or levies till they get their rights, but will rather allow their possessions to be auctioned, and they themselves will suffer imprisonment.

This courage and tenacity deserves to be emulated by the Transvaal Indians, in fact, by the whole Indian community. The Natal Indians think it much of a hardship if their goods are to be auctioned for trading without a licence. These people do not realize that the Government cannot auction the goods of a large number of people. But what would it matter if it did? If women can sacrifice their possessions for a matter like franchise, cannot we put up with a similar hardship while fighting for our livelihood? The movement of the suffragettes will go on for a long time, and they will keep up the agitation, resolute and tireless. They fight on with faith in truth, persuaded that, though they will not be there to enjoy the rights, if only the succeeding generations enjoy them, it will be as good as if they had themselves done so. Indians have to fight with the same spirit.

[From Gujarati]
Indian Opinion, 28-12-1907

[1] *Vide* "Brave Women of England", p. 65.

342. INDIANS OF DELAGOA BAY

We publish elsewhere in this issue the full text of the Regulations for Registration of Indians in Delagoa Bay. These Regulations are quite harsh. It appears that Indians have already seen the Governor in this connection, but so far they have received no satisfactory reply. If these Regulations come to stay, even the most princely Indian will need a permit accompanied with his photograph while going to Delagoa Bay. A person on his way from the Transvaal can have a permit only if he establishes his right to return to the Transvaal. All this mischief has originated in Pretoria. Even if an Indian wishes to leave Delagoa Bay for good, he cannot do so without a permit. He can leave only when he proves that he has never committed a crime, and that he is not an insolvent. This is a new kind of oppression that is being introduced. The Portuguese subjects of India are exempted from this law.

Are the Indians of Delagoa Bay going to submit to such a law? When Moulvi Saheb Ahmed Mukhtiar returned from Delagoa Bay, he gave a fine account of the lethargy and indifference of the Indians there. If the Indian community at Delagoa Bay does not shake off its lethargy even now and do what is required, it will deserve the scorn of every Indian.

[From Gujarati]
Indian Opinion, 28-12-1907

343. CONGRATULATIONS TO DAWAD MAHOMED

Last week, we gave a brief report of the marriage of Mr. Dawad Mahomed's daughter, Ashabibi, with his nephew, Mr. Gulam Hoosen. We extend our congratulations to Mr. Dawad Mahomed, his daughter and his son-in-law, and wish the couple a long and happy married life. But it is the simplicity which Mr. Dawad Mahomed observed in the celebration and the donations he made on the occasion on which he really deserves congratulations. If a person observes the common religious ceremonies, that will make him happy, ensure simplicity and save him unnecessary expenditure. Mr. Dawad Mahomed had the marriage solemnized according to the injunctions of the holy *Koran*, with the result that there was no ostentation or false show on the occasion. This is an example for everyone to follow, an example of how a marriage can be celebrated with due religious rites, but without following any harmful customs. We think equally highly of the donations Mr. Dawad

Mahomed announced on the occasion of the wedding. If everyone followed his example, the various religious or political bodies would not have to face the shortage of funds that they experience at present.

[From Gujarati]
Indian Opinion, 28-12-1907

344. SOME ENGLISH TERMS

To respect our own language, speak it well and use in it as few foreign words as possible—this is also a part of patriotism. We have been using some English terms just as they are, since we cannot find exact Gujarati equivalents for them. Some of these terms are given below, which we place before our readers. We shall publish in this journal the name of the person who supplies Gujarati equivalents for them which may be found acceptable. We shall also present him with 10 copies of the booklet we have published on the new law, which may be circulated by him among friends. The book is not offered by way of inducement, but to honour the recipient and spread information about the obnoxious law. We hope that our readers will take the trouble of suggesting suitable equivalents not for the sake of the prize but out of patriotism. The following are the terms in question:

Passive Resistance; Passive Resister; Cartoon; Civil Disobedience.

There are other words too, but we shall think of them some other time. It should be noted that we do not want translations of these English terms, but terms with equivalent connotations. There will be no objection if the words are derived from Sanskrit or Urdu.

[From Gujarati]
Indian Opinion, 28-12-1907

345. INDIA'S PLIGHT

The news of the death of the eldest son of Mr. Dadabhai of Johannesburg has set us thinking about many things. Such deaths occur in India by hundreds of thousands every year. Whole villages have been wiped out by the plague. Families have been destroyed. Very often we read newspaper reports of all the members of a family, parents and children, having perished.

Why is it that, though the plague occurs elsewhere, too, it does not destroy as many people as it does in India? I am sure no lover of India can help asking this question. The answer to it, we believe, includes

everything connected with the welfare of India. It is easy to ask the question, but difficult to find the answer. It is still more difficult, when the answer is found, to convince others that it is the right answer.

However, we think it worth while to make an attempt to give a partial answer to this question. After careful thought, we have come to the conclusion that, if the plague, starvation, etc., have become more widespread in India, it is because of the sinfulness of the people. If anyone wants to attribute it to the wickedness of the Government, we shall agree with him. It is a common experience that people suffer when the rulers are wicked. But it needs to be borne in mind that it is only a sinful people who have wicked rulers. Besides, it is as a rule more profitable to examine our own faults than to blame others.

Disunity and enmity between Hindus and Muslims are sins. But they are not fundamental sins. If disunity disappears and the two communities live in peace and amity, foreign rule may go or the ways of the rulers may change. But there is no reason to believe that when that happens, the plague and famines will disappear as a matter of course.

The chief sin is the untruthfulness of the people of India. During the plague, we deceive the Government and deceive ourselves. We make an outward show of cleanliness, but do not really observe it. If anything is to be fumigated, we only make a show of doing it. If we can do so with impunity, we avoid carrying out our obligations by bribing the police, if possible. We are used to this state of affairs from our childhood. They teach something at school. The pupils readily accept it. Returning home, they do exactly the contrary. Parents acquiesce in such conduct. Rules are given as to how cleanliness should be maintained. Whether they are such as should be observed or not is a different question. There can be a difference of opinion on that point. What we want to prove is that we base our conduct on falsehood. In most matters we only make an outward show. That has a debilitating effect on our nerves. Our blood becomes poisoned with the impurities of sinfulness and succumbs to germs of any kind. It is observed that certain castes or communities are not affected by the plague. The reason is that they do not make any false pretences with regard to cleanliness or any other matter. They do not show themselves better than they are. To that extent, we think they are superior to those who make a false show. We do not imply by this that all people behave in this manner. But by and large that is what happens.

There is another dreadful habit, born of this very sin, which has spread among all classes of people. And that is the sensuality—adultery—prevalent among us. This matter can be touched upon only in brief. Ordinarily, people fight shy of discussing this question. We, too, feel some hesitation. However, we think it our duty to place our views

before the readers. Adultery does not consist merely in sexual intercourse with another man's wife. We are taught by every religion that there can be adultery even in intercourse with one's own wife. Sexual intercourse is justified only when it is the result of a desire for offspring. Ordinarily, it is observed that sexual intercourse is the result of passion, the birth of a child following merely as a consequence. India, in our judgment, is in such a miserable state that it is necessary at present for births to be reduced to a minimum. Therefore, whatever sexual intercourse takes place will for the most part be in the nature of adultery.

If this view is correct, it is the duty of every thoughtful Indian not to marry. In case he is helpless in regard to marriage, he should abstain from sexual intercourse with his wife. All this is quite difficult to practise. But there is no escape from it.

Otherwise we shall find it necessary to imitate the people of the West. They adopt monstrous methods to control child-birth. They start wars and allow large numbers of people to be destroyed and, having abandoned their faith in God, they only seek means of surrounding themselves with material comforts and luxuries. By following them, the Indians, too, can in course of time win freedom from the plague, etc. But we do not think the evil tendencies of the West can have a foothold in India.

That means that India will either keep herself free from sinful ways of living, with her eyes fixed on God, and so win happiness, or will ever remain in a state of death-in-life, enduring never-ending slavery, cowardly and fearful of death, rotting with the plague or such other inflictions.

Some people will find these ideas strange, or ridiculous, or as born of ignorance. But we make bold to assert that every thoughtful Indian ought to give them his fullest consideration. Such as they are, these thoughts are the result of this writer's deep experience of life. In any case, there will be no harm in putting them into practice. No one will lose anything by observing truth and celibacy. And it need not be asked what the people will gain if just a few persons follow this way of life. If anyone asks such a question, he will be taken for an ignorant person.

[From Gujarati]

Indian Opinion, 28-12-1907

346. *ARAB WISDOM*

We discussed in previous issues some books in the series *The Wisdom of the East*[1]. The same writers have brought out a book on the subject noted above and have sent us a copy for review. It is hardly necessary to say that the book is in English. It is priced at one shilling only. It contains extracts from the holy *Koran*, and reproduces the sayings of Arab thinkers on different matters. For instance, with reference to nobility, it is said that "He who disregards his own honour gets no good from an honourable lineage....Learning and high principles cover the shame of low origin."[2] The book is full of rich thoughts having a bearing on our struggle for honour. The poet says: "Men see no fault in one who respects himself." Then again: "Be ashamed in your own sight more than in the sight of men." Once more: "He who respects not himself can have no respect for others." And elsewhere it is said: "Life has no worth and this world has no happiness for a man who has lost his self-respect and abandoned himself to shamelessness." Under Character, we have: "A man is truly religious when he is truly good." Under Knowledge, we have: "A man without education is like a brave man without arms." "Kings govern men and learned men govern kings." "A wise man is not he who considers how he may get out of an evil, but he who sees to it that he does not fall into it." On Truthfulness, it is said: "No man's religion can be right unless his heart becomes right, nor can his heart become right unless his tongue is right....That man is a hypocrite who prays and fasts, but is untruthful in what he says, false to his word, and unfaithful in discharging a trust." Such are the golden sayings contained in this little book. We advise everyone who can read English to buy this book.

[From Gujarati]

Indian Opinion, 28-12-1907

[1] *Vide* "*The Wisdom of the East*", pp. 43-4 and "*The Wisdom of the East* Series", p. 99.

[2] The extracts quoted here have been collated with an English review published in *Indian Opinion*.

347. JOHANNESBURG LETTER

Mass Meeting

A mass meeting of Indians will be held in front of the Surati mosque on Wednesday, January 1, at 4 p.m. to consider the struggle regarding licences from January onwards. It is hoped that the meeting will be attended by Indians from all parts.

Some Thoughts on Question of Licences

We considered some aspects of the question last week, but it is necessary that we should give it further thought. There is reason to believe that the real struggle will centre on this question. It will certainly be necessary to trade without licences. I find that there will be no need to produce registers when making applications for licences in respect of every kind of business. The words used in the law are "trading licences", which denote licences for business. Such licences do not include licences for washermen or for bicycles. That means that washermen will get their licences without having to produce registers. It is the merchants and hawkers who will feel the need most. If both these classes of Indians behave like men, the community will be free soon enough. Also, on looking into the law, I find it doubtful whether Indians can be prosecuted in the month of January. No person can be prosecuted for failure to take out a licence until after a month is over. It appears therefore that prosecutions will take place in the month of February. If any merchant is nervous, he can take out a licence in the name of his wife, in case he is married. He can save himself from imprisonment by doing so. But we are fighting to be, and to prove ourselves, men of courage. I cannot therefore advise playing for safety. I ask every Indian to apply for a licence for the sake of formality. There is no need to spend anything on a lawyer for the purpose of making an application. All that has to be done is to make an application and, after tendering the fee, mark time.

Moulvi Saheb

The temporary permit of Moulvi Saheb Ahmed Mukhtiar expires on December 31. He has therefore applied for its extension. I very much hope that this will not be granted and that the Moulvi Saheb will have been installed in prison. But I see that my hope is in vain. The Government does not have that much courage. In view of the critical situation, it may even grant extension. If not, he will be allowed to go free.

Reply to Punditji

General Smuts has replied to the letter concerning Punditji. He writes that Punditji will not be given a permit. He does not say anything more. I conclude from this that neither will a permit be given to him nor will he be arrested.

Indians of Standerton

The Indian railway workers at Standerton were dismissed for having failed to apply for registers. There are about forty of them. No notice was given to them. Mr. Patel writes to say that they were not even paid for the day on which they were dismissed. The balance of the month's rations that was given to them was taken away from them. Turning a deaf ear to the entreaties of the workers on behalf of their womenfolk and children, they removed the roofs of their rooms that very day with a view to driving them out. The matter has been taken up with the General Manager. He has ordered payment of wages up to the end of the month. The Association has demanded a month's wages in lieu of notice. This is a case which will infuriate every Indian. The Government is afraid of Indians who are independent and strong, and therefore seeks to intimidate the weak. This is the limit of tyranny. These poor workers have lost their jobs, relying on merchants and other leading Indians. If those merchants and leaders now yield at the last moment and embrace slavery out of fear of imprisonment or monetary loss, they will earn the curses of the poor Indians and their families.

Indian Labourers at Heidelberg

At Heidelberg, Indian labourers were intimidated and taken to a magistrate. On hearing rumours that they had expressed their readiness before the magistrate to take out registers, Punditji and Mr. Naidoo ran up to the place. They saw the people. Their leader, a Pathan named Abdool, assured them with great confidence that not one of them would get himself registered. Punditji and Mr. Naidoo then went to Forchew and, spending the night at Mr. Mogalia's, started work in the morning. They were on their feet the whole day, acquainting the labourers with the nature of the law. At several places they had to ford streams, etc., and go through much hardship. These labourers also will be—or by now must have been—dismissed. Probably more information will be available next week. Thus, after his release from imprisonment, Punditji has not had a moment's rest.

Cartoon in "The Sunday Times"

The Sunday Times has been giving much publicity to our struggle. It pokes a little fun at the law and at Mr. Smuts under the title

"Mr. Gandhi's Dream". One of the figures in the cartoon is Mr. Smuts. Leaning his head upon his hands, with the elbows resting on the table, he is musing:

"Registration" is a great bother;
And "Resistance" greater than that;
The old C. B. worries me a lot,
And Gandhi drives me mad.

This is what Mr. Smuts is muttering to himself. "C. B." refers to the Prime Minister of England, Mr. Campbell-Bannerman. In the second cartoon, Mr. Gandhi is shown with armour on. It is covered all over with pointed nails. There is a notice above the picture, "Do not touch me", and it is signed below, "Yours passively, Gandhi". What is being suggested is this: Why does he sign himself "Yours passively", when touching any part of his body would give sharp pricks? The point is that when the law is pricked with the thorns of passive resistance, it loses all its force.

Attack on Germiston Indians

A meeting of the Germiston Municipality was held. It discussed a motion that Indians should not be allowed any rights in the Market Square. Mr. Preddy spoke against it. Others, especially Mr. White, spoke in favour of it.

List of Blacklegs

I give below the list which I promised last week. The names given there are repeated in this list. These are the names of persons registered since October 19. I have also their addresses with me. I am sorry that I do not have the [serial] numbers, but they are not needed, for the list is authentic. It does not contain names of any persons from Madras and Calcutta, but there are very few of them.

Blacklegs from Pretoria: [a list of 84 names]; from Johannesburg: [10]; from Pietersburg: [35]; from Louis Trichardt: [8]; from Hartswater: [1]; from Christiana: [2]; from Potchefstroom: [11]; from Standerton: [5]; from Middelburg: [8]; from Ermilo: [1]; from Lydenburg: [2]; from Heidelberg: [8].

Difference between Impressions of Fingers and Thumbs

I had promised to discuss this matter some time,[1] and I do so now. Thumb-impressions are widely used in civil matters in India. In England they have become a rage. Friends send their thumb-impressions to one another. Pensioners and others are required to give impressions

[1] *Vide* "Johannesburg Letter", p. 434.

of thumbs on receipts. In Natal it is the practice to have thumb-impressions on promissory notes. Thumb-impressions are thus taken because they make it easy to identify a person. Impressions of two thumbs are taken, rather than of one, in order that, in case the impression of one of the thumbs is not clear, or is defaced, or has any other defect, the other impression can serve the purpose. Apart from these, no impressions of fingers are required for the purpose of identification. Digit-impressions are taken from criminals because the person who is a criminal wants to evade being identified. He always wants to remain unrecognized. A person who has been required to give impressions of all fingers and thumbs can be identified by means of these impressions even if he has not given his correct name. Research workers have prepared an index by means of which persons can be classified into different categories according to the impressions of their fingers and thumbs. Hence, it is possible to prepare an index with the help of impressions. Any person who has given his name as Ramji, which is not available on the records of the Government, can however be traced with the help of the index of impressions, if the impressions of his fingers and thumbs are available. In this way many crimes have been detected in India and elsewhere. This means that impressions of all fingers and thumbs are taken from criminals.

The Indian, on the other hand, wants himself to be identified. If he does not describe himself correctly, he cannot live in this country; hence his interest will be in supplying correct particulars of his name, etc. If his name is not on the records of the Government, he cannot live here. It is therefore useless to demand digit-impressions from him. It can be proved to the Government with this convincing argument that taking ten impressions serves no purpose and involves unnecessary expenditure. The argument has a scientific basis. Hence, even after the new law is defeated, the Indian community can argue with the Government against ten impressions without fear of being called childish. There is no such argument against the impressions of two thumbs. Every struggle must have some substantial ground, otherwise public opinion will be against us.

Japanese Gentleman

A Japanese student of science named Mr. Nakamura is here. He carried with him a letter from Lord Elgin, in spite of which he was harassed by the Permit Officer. He has been making a study of mines in every part of the world. He had an interview with Mr. Polak, which we report in the English section.[1] He has promised to inform his Government about the obnoxious law.

[1] Not reproduced here

CORRECTION

A correspondent informs me that the names of Mr. Ise Ali and Mr. Bagas Amiji did not appear in the list of those who had attended the last mass meeting at Pretoria, though they were present. I give the names now.

[From Gujarati]
Indian Opinion, 28-12-1907

348. TRIAL AT JOHANNESBURG[1]

[JOHANNESBURG,
December 28, 1907]

. . .Sharp at 10 a.m. on Saturday last, all the Johannesburg men attended at the B. Criminal Court, where Mr. H. H. Jordan sits. They were asked by Superintendent Vernon whether they held duly issued registration certificates under Law 2 of 1907, and upon receiving replies in the negative, they were all promptly arrested, and charged under Section 8 sub-section 2 of Act 2 of 1907, in that they were in the Transvaal without a registration certificate issued under the Act. The Court was crowded to excess and it seemed as if, at one time, the barrier would be overthrown.

Among those present were Mr. George Godfrey, Dr. M. A. Pereira, the Editor of *Indian Opinion*, and many other friends of and sympathisers with the accused.

Mr. P. J. Schuurman prosecuted on behalf of the Crown.

Mr. M. K. Gandhi, Attorney, Barrister-at-Law of the Inner Temple, Honorary Secretary of the British Indian Association of the Transvaal, was the first of the accused to be dealt with.

Superintendent Vernon, of the T.T.P., gave evidence as to the arrest. He said the accused was an Asiatic over 16 years of age, resident in the Transvaal. At 10 a.m. that morning he called on Mr. Gandhi to produce his registration certificate, but he failed to do so, and said he had not got one.

Mr. Gandhi asked no questions, but went into the box, prepared to make a statement. He said [that] what he was about to state was not evidence, but he hoped the Court would grant him indulgence to make a short explanation, seeing that he was an officer of that Court. He wished to say why he had not submitted to this.

MR. JORDAN: I don't think that has anything to do with it. The law is there, and you have disobeyed it. I don't want any political speeches made.

MR. GANDHI: I don't want to make any political speeches.

MR. JORDAN: The question is, have you registered or not? If you have not registered, there is an end of the case. If you have an explanation to offer *ad misericordiam* as regards the order I am going to make, that is another story. There is the law, which has been passed by the Transvaal legislature and sanctioned by the Imperial Government. All I have to do and all I can do is to administer that law as it stands.

Mr. Gandhi said he did not wish to give any evidence in extenuation, and he knew that legally he could not give evidence at all.

[1] This was Gandhiji's first trial in a court of law. This report was published under the title "Mr. Gandhi Ordered to Leave the Transvaal".

MR. JORDAN: All I have to deal with is legal evidence. What you want to say, I suppose, is that you do not approve of the law and you conscientiously resist it.

MR. GANDHI: That is perfectly true.

MR. JORDAN: I will take the evidence if you say you conscientiously object.

Mr. Gandhi was proceeding to state when he came to the Transvaal and the fact that he was secretary to the British Indian Association when Mr. Jordan said he did not see how that affected the case.

MR. GANDHI: I said that before. I simply asked the indulgence of the Court for five minutes.

MR. JORDAN: I don't think this is a case in which the Court should grant any indulgence. You have defied the law.

MR. GANDHI: Very well, sir, then I have nothing more to say.

Mr. Schuurman pointed out that the accused as well as all other Asiatics had been given ample time in which to register. It appeared that the accused did not intend to register, and, therefore, he did not think the Court should give him any long time in which to leave the country. He must apply for an order for accused to leave the country in 48 hours.

...Mr. Jordan, in giving his decision, said the Government had been extremely lenient and yet it appeared that none of these people had registered. They had set the law of the Colony at defiance with the result that the Government had taken that step. He had power under the Asiatic Registration Act, the Peace Preservation Ordinance, and the Immigration Act to order the accused to leave the Colony within a certain number of days. He had no wish to be harsh in the matter, and he did not intend to adopt the suggestion of Mr. Schuurman in regard to 48 hours. He should make reasonable orders. He must give Mr. Gandhi and the others time to collect their goods and chattels. At the same time, he need not point out to Mr. Gandhi that under the law certain penalties were provided. The minimum sentence, if the order were not complied with, was one month with or without hard labour; and if the offenders were found in the Colony seven days after that sentence expired, the minimum sentence which could be inflicted was six months. He did hope that a little common sense would be shown in these matters, and that the Asiatic population of the Colony would realize that they could not trifle and play with the Government. If they did, they would find that when an individual set himself up against the will of the State, the State was stronger than the individual, and the individual suffered and not the State.

...Mr. Gandhi, interrupting the Magistrate, asked him to make the order for 48 hours. If they could get it shorter even than that, they would be more satisfied.

MR. JORDAN: If that is the case, I should be the last person in the world to disappoint you. Leave the Colony within 48 hours is my order.

Indian Opinion, 4-1-1908

349. TRIAL OF P. K. NAIDOO AND OTHERS[1]

[JOHANNESBURG,
December 28, 1907]

[GANDHIJI:] Are you a British subject?

[WITNESS:] I am.

Were you in the Transvaal before the war?

Yes; since 1888.

Did you pay the Dutch Government £3?

I paid nothing.

You have not taken out a registration certificate under the law?

No. Not under any law.

Why not?

I thought it was not fit for me to take out a permit under that law, it would be very degrading. . . .

MR. JORDAN: Why?

If I had the Act in front of me, I would point out some of the processes which I think it is not right for a British subject to submit to. The law clearly says that we should give our ten fingers' impression and then our eight fingers' impression separately, and besides that our thumb impressions. Then we have to give our father's and mother's and children's names. . . .

Cross-examined by MR. SCHUURMAN: How long have you been here?

Since 1888. I left in 1899, on October 18, and came back in 1902. I went to Natal and returned in July of 1907.

You have held meetings in reference to this Act?

After I came back, there were meetings held.

Have you persuaded the Indians not to register?

I took an oath not to register.

Where?

It was taken at a meeting at Burghersdorp, in the Independent School, if I am not mistaken.

You do not intend to register?

I do not.

MR. JORDAN: Had you a permit to enter the country?

No, I had an authorization from the Registrar of Asiatics.

Mr. Schuurman asked for the same order, which Mr. Jordan granted.

The cases of Nawab Khan and Samandar Khan were postponed till January 3, because there was no interpreter present.

The case of C.M. Pillay was next taken. He stated that he came to the Transvaal in 1883, and previous to the war he was Inspector of Asiatic passes and licences. During the war, he was a commissariat officer and messenger of the Court.

MR. GANDHI: Why do you not register?

[1] After his own trial, *vide* the preceding item, Gandhiji defended the other accused, the first to be examined being P.K. Naidoo.

I consider that any self-respecting man would not comply with the provisions of the Act, as it simply places our liberty in the hands of the Registrar of Asiatics who, in my humble opinion, is not a fit and proper person to hold this post. . . .

The Magistrate interrupted, and said he would not listen to nonsense of that kind. . . .He thought it was a piece of gross impertinence for a person to come there and abuse an official of the Government in that way. He was not going to have his time wasted and the dignity of the Court lowered in that way. It was most improper.

Mr. Gandhi said that he agreed with the Magistrate as to the impropriety of the accused's remarks. And he had no intention of leading evidence as to the Registrar's fitness for his position.

(TO ACCUSED): Do you object to the officer or to the Act?

Mainly to the Act.

A similar order was made at the request of the Prosecutor.

Thambi Naidoo objected to registration as it placed him lower than a Kaffir, and it was against his religion. He was a married man with five children, the eldest of whom was 13, and the youngest about 18 months. He carried on business as a cartage contractor.

Mr. Gandhi asked that 48 hours' notice only should be given. That was all accused wanted. . .

Mr. Jordan said that it was not what the accused wanted but what he (the Magistrate) wanted. The accused was a man of business, and the period would be fixed at 14 days.

Karwa stated that he had been in the Transvaal since 1888, and during the war was a military contractor, being with Sir George White at Ladysmith. He had entered the Transvaal with a military column by way of Harrismith. He had just placed a thumb impression on a registration certificate under Law 3 of 1885. He refused to give his finger impressions as it was against his religion. . .

THE MAGISTRATE: But you have put on one?

ACCUSED (waving his hand deprecatingly): One is all right, but ten is against my religion. (Laughter.)

THE MAGISTRATE: As a matter of fact, I suppose you don't care whether you put on ten or five. You only have to be told to do it.

Mr. Easton, the first of the Chinese accused, said that he was a British subject from Hong Kong. He had also been here before the war and had paid his £3 to the Dutch Government for his certificate. By occupation he was a store assistant, and objected to registration because it was too degrading and was against his religion. He was not permitted by his religion – Taoism – to give any impressions. He was ordered to leave within 48 hours.

Leung Quinn, Chairman of the Chinese Association, stated that he was not a British subject, but had come to the Transvaal in 1896, and obtained a permit from the Dutch Government. In 1901 he left and returned in 1903, obtaining a permit under the Peace Preservation Ordinance. He was a storekeeper. He did not take out a permit because it was a law that was disgraceful to himself and his nation. He had translated the law to his countrymen and had been expecting some such prosecution all the time. He would be quite contented with 48 hours' notice; he had made all his preparations. . . .

The Magistrate insisted on giving Quinn, as he had given the Indian storekeeper, 14 days' notice.

John Fortoen, the last of the accused to go into the witness box, stated that he had been in the Transvaal for about 13 years before the war, having arrived in the

Transvaal with his uncle as a child. He did not know where his uncle was, nor whether his parents were alive or not. He was a student, and had just come back from the Hankey Institution (near Humansdorp) in Cape Colony, where he had been since 1904. He considered that South Africa was his home, and he knew no one in China. He did not want to take out the registration certificate because it was degrading to his country and his honour. His age was 21.

Mr. Gandhi, pointing out that this would be his last opportunity of addressing the Court, said that he would like to make a few general remarks. He had deliberately advised all his clients to plead not guilty, so that the Court could hear from their own lips what they had to say. They had all said something more or less with reference to the finger-print system. He asked the Court to dismiss from its mind the idea that these men did not know what they were doing. He knew that what he was about to say could not affect the decision of the Court, but he thought it his duty to himself and his clients to make this explanation. There were certain things in this world which one could not explain, and there were certain things in this law which men felt but could not express, and he left it to the Court to interpret the feelings of the accused with regard to the finger-print system. . .

Mr. Jordan, in the course of his reply, pointed out that a deputation of Indians had gone home to the Imperial Government on the very matter before them. That deputation had, however, been in vain. The Act to which such exception was taken had been passed by the present Legislative Assembly of the Transvaal, and the King's assent had been obtained. And, all sentimentality apart, he had nothing to do but to administer the law, which he had sworn to do to the best of his ability. These people (the accused) had deliberately defied the Government and had taken up a very serious position—one which he was sorry to see any resident in this country adopt. It had been a mistake, he had no doubt, which had been copied from the passive resisters at Home in connection with the Education Bill, and that was an attitude which had never appealed to him in any shape at all. The laws of a country must be complied with by the people resident there, and if they could not do that, there was but one alternative—such people must go somewhere else. He could not, however, for the life of him understand, if a man put his thumb print on a registration certificate—as had been done in years past—where the offence against his religion came in when he had to put the print of the four fingers of each hand on this certificate.

Proceeding, he referred to the practice under the Peace Preservation Ordinance, and urged that had they objected then to the thumb print, their position would have been stronger at the present time. The registration certificates which required the thumb print had been the only mode they had for identification. That was in the days of [the] old yellow pass which had been issued by the former Government; but all at once, when it came about that they had to register in the new form, the Asiatics simply defied the law. Mr. Gandhi must be aware that he (Mr. Jordan) had more experience under the Peace Preservation Ordinance in the Transvaal than any other magistrate, and Mr. Gandhi must know also the big traffic that was done by the sale of the yellow certificates which rendered it difficult to trace the owner and caused an enormous amount of trouble and expense. Coming back to the case of the youth then before the Court, he would make an order that he (the accused) must leave the Colony in seven days.

In a brief reply, Mr. Gandhi said that a distinction had always been drawn between the thumb print on the old permit and finger-print under the new law. The one was compulsory and the other was a voluntary act. The Court, he said, was well aware that in cases where a clear thumb impression was taken, the man could be spotted and trafficking in permits had been [made] impossible.

He thanked the Court, the public prosecutor and the police for the courtesy which had been shown throughout the trials.

Indian Opinion, 4-1-1908

350. SPEECH IN GOVERNMENT SQUARE[1]

[JOHANNESBURG,
December 28, 1907]

...They were going on with the struggle, no matter what happened to him or to anyone else. He would certainly not change his views, and he urged the Asiatic communities to strive against the Registration Act even if it meant deportation from the Colony. He might have been mistaken all along. Or they might afterwards curse him. At the present time, he held no other views but those that he had indicated. If God's message came to him that he had erred, he would be the first to acknowledge his fault and beg their forgiveness. But he did not think that he would ever receive that message. He held that it was better to leave the Colony than to lose their self-respect and honour by remaining as slaves. This was a religious struggle, and he gave them the advice he had always given them — to fight to the bitter end.

Indian Opinion, 4-1-1908

351. LETTER TO "THE STAR"[2]

JOHANNESBURG,
December 30, 1907

TO
THE EDITOR
THE STAR
[JOHANNESBURG]

SIR,

The Government are to be congratulated on boldly and honestly taking proceedings mainly against those only who have led the passive resistance movement against the Asiatic Act. That, indeed, is the only method of testing the reality and universality of Asiatic feeling. But among those arrested are some who have never taken an active part in the agitation, and there are also remarkable omissions. Both these facts tell their own tale. Some have even suggested that one or two

[1] At the conclusion of the trial, Gandhiji addressed a large gathering of Indians, Chinese and Europeans in Government Square. Speaking first in Hindustani, he narrated what had happened at the trial. This is a report of what he said in English to the Europeans.

[2] This appeared in *Indian Opinion*, 4-1-1908, as a "Letter to the Press".

arrests are due to private grudge. However, it is not my purpose, in trespassing on your courtesy, to deal with this phase of the question.

The arrests have synchronised with the announcement of the Royal Assent to the Immigration Act. This shows that the Government intend to use their newly-acquired power. They have now three strings to their bow, viz., imprisonment, the stopping of trade licences, and deportation. All these powers have been taken or given in order to enable the Government, not to stop an influx of Asiatics, because no one wants it, and the Registration Act cannot stop it; not to avoid trade competition, because every Indian submitting to the Act can have as many licences as and where he wants; but to enable them to bend Indians to their will, to force them to do violence to their conscience; in short, by delivering a crushing blow, to unman them, so that they may become as wax in their hands.

Do the colonists know that deportation under the Immigration Act is worse than ordinary deportation? If I committed murder and were sentenced to transportation for life, I should be sent to a place where I should be housed and fed even as the few native rebels sent from Natal to St. Helena are. But if I do not submit to the Asiatic Act I am deported, that is, put across the border or sent to India without a penny on me, if I do not possess private property, to shift for myself as best I can, the cost of deportation to be paid by me. And if I have a family in the Transvaal, so far as the Government are concerned, they will be allowed to die of starvation. And this, mind, is to happen to men to whom the Transvaal is their adopted home and India a foreign country for purposes of earning a livelihood. Some of the Indians arrested are traders of nearly fifteen years' standing, with wives born in South Africa and living in the Transvaal. One Chinaman came to South Africa a mere lad, knows China only in name. He was born and bred in Western institutions. All the Asiatics arrested are lawful residents in possession of documents entitling them to remain in the country. These men, because they do not violate their conscience, but violate the Asiatic Act, may not only be imprisoned, but deported, in the above fashion under a warrant signed by the Colonial Secretary! I do not say that those who do not comply with the law, even when non-compliance is due to the dictates of the conscience, should not be punished at all, but I do say that when the punishment is disproportionate to the offence, it savours strongly of barbarism. And if the powers under the Immigration Act are exercised in respect of the Asiatic Law, an act of barbarism will have been committed in the name of the electors of the Transvaal. Will the people of this country chuckle with delight over such ruination of a whole people? What will the Guild of Loyal Women say regarding wives being kept without their natural protectors? I consider myself a lover of the British Empire,

a citizen (though voteless) of the Transvaal, prepared to take my full share in promoting the general well-being of the country. And I claim it to be perfectly honourable, and consistent with the above profession, to advise my countrymen not to submit to the Asiatic Act as being derogatory to their manhood and offensive to their religion. And I claim, too, that the method of passive resistance adopted to combat the mischief is the cleanest and the safest, because, if the cause is not true, it is the resisters, and they alone, who suffer. I am perfectly aware of the danger to good government, in a country inhabited by many races unequally developed, in an honest citizen advising resistance to a law of the land. But I refuse to believe in the infallibility of legislators. I do believe that they are not always guided by generous or even just sentiments in their dealings with unrepresented classes. I venture to say that, if passive resistance is generally accepted, it will once and for ever avoid the contingency of a terrible death struggle and bloodshed in the event (not impossible) of the natives becoming exasperated by a stupid mistake of our legislators.

It has been said that those who do not like the law may leave the country. This is all very well, spoken from a cushioned chair, but it is neither possible nor becoming for men to leave their homes because they do not subscribe to certain laws enacted against them. The uitlanders of the Boer regime complained of harsh laws; they, too, were told that if they did not like them, they could retire from the country, but they thought better and did not go. Are Indians, who are fighting for their self-respect, to slink away from the country for fear of suffering imprisonment or worse?

No, Sir, if I could help it, nothing would remove Indians from the country save brute force. It is no part of a citizen's duty to pay blind obedience to the laws imposed on him. And if my countrymen believe in God and the existence of the soul, then, while they may admit that their bodies belong to the State to be imprisoned and deported, their minds, their wills and their souls must ever remain free like the birds of the air, and are beyond the reach of the swiftest arrow. General Smuts, who puts trust in the tyrannical laws sanctioned by an obliging Secretary of State, forgets that those Asiatics who are fighting for conscience sake will not be bent by any machinery he may put in force. If, when the leaders are withdrawn, my countrymen succumb, we shall have deserved the law. Then, too, the cleanness of passive resistance, that is Jesus' teaching "resist not evil", will have been justified.

I am, etc.,
M. K. GANDHI

The Star, 30-12-1907

352. SPEECH AT CHINESE ASSOCIATION[1]

[JOHANNESBURG,
December 30, 1907]

All who considered [that] this was not a religious struggle, that this was not a religious cause, did not know what religion meant. He believed he had acquired some knowledge of most religions, and every religion taught that if a man did anything that degraded his manhood, there was no religion in him. If religion meant communing with God, trusting in God, then he had no hesitation in saying that it was absolutely irreligious to degrade themselves in order that they might be able to earn a few pounds or pence in the Transvaal. Even then they considered the position was not right, and proper and just. If the Asiatics of the country had blindly followed their leaders and, immediately the leaders were withdrawn, they were going to accept the Act, then he believed they would have deserved the Act. The key to the situation, therefore, lay in their own hands. If they believed in the righteousness of their cause, and if they believed they were going forward, no matter what happened, nothing that General Smuts might do in this Colony—nothing that the Imperial Government might sanction in the name of His Majesty—could deter them one little bit from the step they had already taken.

In his own mind, he had great doubts as to the ability of the Government to put domiciled Asiatics across the border, but he was now fortified in that belief by a well-reasoned opinion from the best lawyer[2] in the Transvaal.

But once more I request you not to pin your faith to Mr. Leonard's opinion, or any other legal opinion that may be obtained. In this struggle, the only opinion to which you can possibly pin your faith is that of your own conscience and communion with your God. If you rely upon any other thing whatsoever, you will be relying upon a broken reed.

Indian Opinion, 4-1-1908

[1] The meeting was convened to thank Gandhiji for the services rendered by him in the crisis which faced the Asiatic communities in the Transvaal. It was attended, among others, by about 400 permanent Chinese residents; the Acting Chairman of the Chinese Association, Mr. J. L. Wengsee, presided.

[2] J. W. Leonard

353. INTERVIEW TO REUTER[1]

[JOHANNESBURG,
December 30, 1907]

. . . The Indians had all along offered to aid the Government in the matter of identification, but the Government had ignored their offers of assistance. The Indians had always agreed that the Transvaal had the right to regulate and control future immigration. What most concerned them was the position of the Indians now lawfully resident in the Transvaal.

Mr. Gandhi denied the imputation that the Indians had insulted the Government by putting the most offensive construction upon the Government's Acts. They would warmly welcome a reference of their case to the Imperial Conference, feeling assured that the result would be a humane and satisfactory arrangement which both sides would abide by. Mr. Gandhi complained of the excessive power given to the Government by the Immigration Restriction Act in dealing with passive resisters — a power which he considered altogether disproportionate to the offence. He anticipated that Indians who declined to register would have their trading licences refused on January 1, with the result that they would continue to trade without licences.

Mr. Gandhi mentioned that the Indians here have received telegrams from the Indian National Congress at Surat and from other quarters expressing sympathy and promising support. —*Reuter*.

India, 3-1-1908

354. JOHANNESBURG LETTER

Tuesday, [December 31, 1907]

SIMULTANEOUS ARRESTS

The Government did not permit Pretoria, Pietersburg, Johannesburg and Germiston to have a quiet December. Warrants of arrest were issued—12 in Pretoria, nine in Johannesburg, three in Pietersburg and one in Germiston. In Pretoria, summonses were received by Messrs Suliman Suj, A. M. Cachalia, Ardeshir Beg, Gavarishanker Vyas,

[1] Gandhiji gave this interview commenting on Sir Raymond West's remarks made in London that both sides had gone "too far" — the Transvaal Government had "cynically" ignored the susceptibilities of the Indians and the Indians had put "the most, instead of the least, insulting construction" on the Acts of that Government. He suggested a compromise. The Indians should offer to aid the work of identification by "inoffensive means", and tender co-operation in regulating immigration on terms of "inoffensive registration" of residents in the country. "A joint committee should be constituted, and the Indian leaders should be made responsible. Failing an arrangement, the Indians should, as British subjects, claim from the King the protection against ill-usage which His Majesty would be bound to afford them in a foreign country."

Goolam Mahomed Rashid, Ismail Jooma, Rahmat Khan, Chunilal Sheth, Tulsi, Gangadeen and Manilal Desai; in Johannesburg, by Messrs Gandhi, Thambi Naidoo, C. M. Pillay, Nawab Khan, Samandar Khan, Karwa, Quinn, Easton, and Fortoen; in Pietersburg, by Messrs Mohanlal Khanderia, Amershi Gokul, and Ambalal; and in Germiston by Ram Sundar Pundit. Of these, Rahmat Khan being out of station was not arrested. Mr. Cachalia, as soon as he heard the news, ran down from Volksrust to Pretoria to attend the summons, leaving his work unfinished. On the other hand, Ram Sundar made himself scarce. Messrs Chunilal and Tulsi had their cases postponed.

It is necessary to relate the story of Ram Sundar. That gentleman was present in Mr. Gandhi's office when the Police Commissioner's notice was received on Friday, and promised to attend the court on Saturday. But after reaching Germiston, he called one or two of his disciples and told them that he was thinking of running away, since he could not face a second term of imprisonment. The disciples expostulated with him but he was overcome with fear. Turning a deaf ear to all that they said and without informing anyone, he quietly took the train to Natal. Thus, his fall was as sudden as his rise. I have written at great length about him in this paper. All that has turned out to be mistaken. The poems about him have been meaningless. A bad coin will always remain a bad coin. This is a struggle such as will expose everyone in his true colours. So far as the community is concerned, Ram Sundar is dead henceforth. We are to forget him.

All the others appear to be firm. Those arrested include persons from all communities. There are four Surati Muslims, one Memon, two Pathans, one Parsi, one Brahmin, three Banias, one Hindu from Calcutta, one Sikh, two Desais, one Lohana, three Hindus from Madras and three Chinese, making a total of 23 Asiatics who have been arrested. From among these, Messrs Suj, Desai, Vyas, Khanderia and Naidoo have their families in the Transvaal. Some of them are businessmen and some are servants. Thus, every community has reason to congratulate itself.

Why Were more Businessmen not Arrested?

This question has been raised. I think Mr. Essop Mia and others have not been touched for the time being because, perhaps, it is intended to harass them on the question of licences. It is also likely that they are left untouched because some businessmen have informed the Government that they were prepared to conform to the law if pickets and other mischief-mongers were removed from their path. It appears that businessmen have not been arrested for this reason. There are some among those arrested who have taken no part in the struggle. It is not necessary to go into the reasons for this just now.

Why Did Immigration Act Receive Royal Assent?

Owing to the sudden arrests, the fact of the Immigration Act having received [Royal] assent has receded into the background, and people have lost their fear about it. I think we have ourselves provided the grounds for the assent to that law. As I said earlier, some businessmen submitted a representation to say that they would submit to the law if certain individuals ceased interfering with the affair. And still others approached the Registrar with exaggerated reports. All this was perhaps transmitted to Lord Elgin in a distorted form so as to give him the impression that, if the Immigration Act were passed, everyone would register. Is it anything to wonder at that, with such information reaching Lord Elgin, the Act should have received the assent? It is, however, gratifying to observe that the Act appears to have left the Indian community altogether unconcerned.

Some Cowards

All the same, a few at least have shown themselves to be cowards. There are among them some Memons of Pietersburg who had not applied so far, but who have now sent in a petition to say that they are ready to "soil" their hands. I hold on to my belief that, with increasing pressure, we would find the impurities separating out, leaving pure gold behind. It is only those of proved worth who will pilot the ship to the haven. It is not to be expected that those who merely protest their courage out of fear of public ridicule, but are timid at heart, will stand their ground till the end.

No Reason for Fear

But their fear is groundless. Thousands of men cannot be deported. As for those who submit, the whites know what is in store for them in the Transvaal.

Immigration Regulations

The editor will give elsewhere a translation of the Regulations under this Act which have been published. For the present, I point to one thing which will cause surprise. It is obligatory to give 10 finger-prints on the permits, passes, etc., to be issued under the Act. The Regulations are applicable to all, whites as well as blacks. White servants from England will be allowed into the Transvaal only if they possess such passes. It will be realized now that the struggle against the obnoxious law is not based on the question of finger-prints. It is aimed against its implicit offensiveness. There is nothing in the Immigration Regulations which we can complain of. For the present, the Act can be of little profit to us. Its provisions can be availed of only by those who have submitted to the obnoxious law. We are only concerned with

the section relating to deportation. But the point made above deserves attention. Even if the requirement of finger-prints were deleted, the obnoxious law would remain totally unacceptable. It is in its very nature a poisonous law, and cannot be compared at all with any other piece of legislation.

Who Will Take Mr. Gandhi's Place?

A question has been raised as to who will work in Mr. Gandhi's absence. I know that Mr. Polak has dedicated his life to the Indian community. He has gone deep into this question. He comes of a cultured family. He wields a powerful pen and writes excellent English. He has come into contact with most of the whites, and is himself known to every Indian. He will be of help in many ways. There is no doubt about it. Hence letters addressed to the British Indian Association will also be attended to by him. It is desirable that, as far as possible, all communications addressed to him should be in English.

Publicity to Passive Resistance

The cases against Indians are reported extensively in the newspapers, and every paper appears to be distinctly inclined in our favour. There are many whites who now feel ashamed of General Smuts. *The Transvaal Leader* has commented sympathetically on the Indian side in regard to the recent cases.

What Is Likely to Happen Now?

There are indications of an early end to the struggle. It does not appear that any further arrests will be made. The Government will watch the effects of withholding licences and of the absence of Mr. Gandhi and the others. If, in spite of this, the community remains firm, it is likely that a settlement will be reached in March. The game is entirely in our hands.

Who Can Harm Those Whom God Protects?

General Smuts had had to draw in the net which he had spread for the Indians. Today (Tuesday) morning, Messrs Naidoo, Pillay, Easton, Karwa and Gandhi were to be installed in the gaol-palace. But there was a telephone message before 10 a.m. to the effect that they need not go to the court at all until further notice. For the present, then, these brave Indians will not be able to taste the joys of imprisonment. This is, of course, no cause for exultation. Every Indian must have realized by now that this is going to be a hard fight. There is no escape from imprisonment. This at least is certain. It must be assumed that those who are not arrested now will be arrested later.

Now everyone is to hold himself in readiness, weapon in hand. We are to follow the example of General Crongi and his army who

on one occasion held themselves in battle position with armour on for 24 hours at a stretch. People were carried away by a wave of joy at the news that there were to be no arrests. Mr. Gandhi's office was besieged and speeches were made. The meeting which was proceeding on the public road was interrupted by a constable who informed them that no such meeting could be held without the permission of the Town Council. Thereupon the people dispersed. For the present, at least, it appears that Indians are going strong.

Deportation out of Question

Mr. Leonard has given his opinion on the section of the Immigration Act relating to deportation; it is entirely in our favour, indicating that deportation of Indians is quite impossible. If they think of it, we shall give a fight. If Indians have patience enough to do nothing but remain at home and put up with whatever losses may occur, everything will end well.

Hosken's Sympathy

On Tuesday, Mr. Hosken went over specially to Mr. Gandhi's office and expressed his sympathies with deep feeling. He was convinced that ours was a religious struggle. Many prominent whites are expressing the same view among themselves. Now most of our well-wishers among the whites advise us to hold out firmly.

Treacherous Indians

Reports have been received from Delagoa Bay that two self-seeking Indians have reached there from the Transvaal. They promise to arrange for Mr. Chamney to visit Delagoa Bay and issue permits there, on payment of £12 10s per head. I am sure the men are telling a lie. Mr. Chamney cannot register anyone in that manner. I advise every Indian to beware of such persons. It is not merely that they cannot secure any permit, but rather that they do more harm to the community than the Government does.

Foul Play by Government at Durban

There is a telegram that people arriving from India are given the title-deed of slavery in Durban itself before they proceed to the Transvaal. Indians at Durban send many telegrams and talk a great deal. I have very often suggested that they should arrange for someone to meet every person arriving from India and explain the position about the law. But it appears that no one is attending to such a simple task. What, then, is the use of sending messages of encouragement to the Transvaal? I sincerely hope that there will be at least one Indian in Durban who will meet Indians as they disembark there and make enquiries [about

their plans]. If necessary, such persons should be contacted even in Delagoa Bay.

PORT ELIZABETH

The Association at Port Elizabeth has contributed £25 to the British Indian Association, which has accepted it with thanks.

MEETING OF INDIANS

On Friday evening, there was a mass meeting in the hall of the Hamidia Society. About a thousand people were present, all full of enthusiasm. A resolution of protest against the Immigration Act was cabled to England.

MEETING OF CHINESE

The same evening, there was a meeting of the Chinese. In view of the possibility of his deportation, Mr. Quinn proposed the appointment of Mr. Polak as Acting Chairman of the Association.[1] The proposal was accepted. Mr. Polak addressed the meeting. Great enthusiasm was evinced as also an earnest determination to pursue the struggle to the bitter end.

MORE MEETINGS

Meetings were held at several places in Johannesburg. On Monday evening, there was a meeting of the Chinese which was followed by a meeting of Madrasis. Great enthusiasm and courage were in evidence at both the meetings. Mr. Gandhi was present. On Monday evening, there was a huge meeting of Indians, which was attended by representatives of the Chinese. Mr. Essop Mia made a speech asking people to remain firm and advising them to take the places of their leaders [who might be imprisoned or deported].

MEETING IN PRETORIA

There was a meeting in Pretoria on Monday which was attended by 300 people. Mr. Hajee Habib was in the chair. Mr. Gandhi and four Chinese leaders had specially gone there to attend the meeting. Speaking at the meeting Mr. Gandhi pointed to the unity of the Chinese as worthy of emulation. If they went on doing their duty, no harm would come to them even if the Transvaal Government or the whole Empire were pitted against them. He was confident of victory. The real struggle had just then started. Mr. Suj declared that he would not submit to the law, whatever the consequences. Mr. Desai said that

[1] This is at variance with the report in the English section of *Indian Opinion* of the same date, which says that Mr. Quinn announced the appointment of an acting Chairman during his absence, and that Mr. H. S. L. Polak was appointed Honorary Adviser to the Chinese Association.

he would welcome deportation. Mr. Beg pointed to the lessons of history and said that success could be achieved only through sacrifices. Mr. Manji and others from among the audience also spoke. Mr. Hajee Habib said that it was the last time that they would hear Mr. Gandhi speak. However, they might be able to get him back if they remained firm after his deportation. They ought not to be afraid of deportation or deprivation of licences.

It appears the white newspapers did not fail to notice that the meeting was not very well attended.

"Stand" Case in Pretoria

An application was made on behalf of Mr. Ratanji Makan for the lease of a 'Stand' in the Asiatic Bazaar. In reply, the Town Clerk had stated that since the applicant had not registered, he was considered an unlawful immigrant. This is how they want to tighten the ring round the opponents of the Asiatic Act. All these are indications of our degradation. The Transvaal Indians cannot but be roused by them to a still stronger determination to break their chains.

Kendall's Letter

In reply to the comments made by Mr. Jordan in the course of his judgment, Mr. Kendall writes in *The Transvaal Leader* to the effect that previously Indians used to give one thumb-impression, and that, too, voluntarily. They were now being asked to give 18 impressions and this as a matter of compulsion. Indians are justified in objecting to this on grounds of religion. An orthodox Muslim would never consent to give all his finger-prints, as that would amount to tracing an image, which was prohibited in his religion.

[From Gujarati]
Indian Opinion, 4-1-1908

355. LETTER TO REGISTRAR OF ASIATICS

[Johannesburg,]
December 31, 1907

To
The Registrar of Asiatics
[Pretoria
Sir,]

I have just received a letter from Delagoa Bay informing me that certain two Indians from the Transvaal are at present in Delagoa Bay representing to the people that you will be prepared to grant to those

Indians who may want permits to enter the Transvaal such permits at Delagoa Bay, on payment to these men of £12 10s per head.

I need hardly say that I consider the above statement to be a libel so far as you are concerned; but it is certain that the Indians in question have been making such statements with a view to preying upon gullible people. May I, therefore, ask you kindly to inform the British Indians in Delagoa Bay, in any manner you consider fit, that they are not to accept statements made by any such people, and that permits or certificates are obtainable only at your office at Pretoria? On my part, I have taken every precaution to warn the people through the columns of *Indian Opinion* and other channels.

[*I have, etc.*,
M. K. GANDHI]

Indian Opinion, 4-1-1908

APPENDICES

APPENDIX I

THE ASIATIC LAW AMENDMENT ACT

To Amend Law No. 3 of 1885

(*Assented to* [*on*] *22nd March, 1907*)

The following is the full official text published by the Transvaal Government:

Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of the Transvaal as follows:

Repeal

1. Sub-section (c) of Article *two* of Law No. 3 of 1885 as amended by Volksraad Resolutions, Article 1419 of the twelfth day of August 1886 and Article 128 of the sixteenth day of May 1890 shall be and is hereby repealed.

Definitions

2. In this Act unless inconsistent with the context:

"Asiatic" shall mean any such male person as is described in Article *one* of Law No. 3 of 1885 not being a Malay born and resident in any British Colony or possession in South Africa nor a person introduced into the Colony under the Labour Importation Ordinance 1904 and not being an officer in the Chinese Consular Service;

"register of Asiatics" shall mean the register to be kept under this Act as prescribed by Regulation;

"Registrar" shall mean the officer appointed by the Governor to keep the register of Asiatics and any person lawfully acting in such capacity;

"Resident Magistrate" shall include an Assistant Resident Magistrate;

"Regulation" shall mean any Regulation made under section *eighteen* of this Act;

"Guardian" shall mean the parent of an Asiatic under the age of sixteen or any other person under whose care or control such Asiatic is living for the time being or, failing any such person, the employer of such Asiatic;

"application for registration" shall mean an application to be placed on the register of Asiatics made in such manner and form as may be prescribed by Regulation and accompanied by the supplying of such particulars and the furnishing of such means of identification as may be required by this Act or by Regulation;

"applicant" shall mean any person who makes application for registration on his own behalf or any person on whose behalf application for registration is made by his guardian;

"certificate of registration" shall mean a certificate of registration under this Act in the form prescribed by Regulation;

"lawful holder" as used in relation to any certificate of registration shall mean the person whose registration is thereby certified.

ALL ASIATICS LAWFULLY RESIDENT IN COLONY TO BE REGISTERED

3. (1) Every Asiatic lawfully resident in this Colony shall subject to the exceptions hereinafter mentioned be registered in the register of Asiatics and shall thereupon be entitled to receive a certificate of registration and no charge shall be made for such registration or certificate save as in section *twelve* of this Act provided.

(2) The following shall be deemed for the purposes of this Act to be Asiatics lawfully resident in this Colony:

(i) Any Asiatic duly authorized to enter and reside in this Colony by a permit issued under the Indemnity and Peace Preservation Ordinance 1902 or any amendment thereof or issued between the first day of September 1900 and the date of the passing of the said Ordinance, unless such permit shall have been fraudulently obtained; provided that any permit expressed to authorize any Asiatic to remain in this Colony for a limited time only shall not be deemed to be a permit within the meaning of this sub-section.

(ii) Any Asiatic resident and actually in this Colony on the thirty-first day of May 1902.

(iii) Any Asiatic born in this Colony since the thirty-first day of May 1902 not being the child of any labourer introduced into this Colony under the Labour Importation Ordinance 1904.

ASIATICS TO APPLY FOR REGISTRATION WITHIN FIXED TIME

4. (1) Every Asiatic resident in this Colony at the date of the taking effect of this Act shall before such date or dates and at such place or places and to such person or persons as the Colonial Secretary may prescribe by notice in the *Gazette* make application for registration.

(2) Every Asiatic who enters this Colony after the date of the taking effect of this Act and who has not previously been registered thereunder shall within eight days after entering the Colony, unless he shall have entered under a permit granted under section *seventeen*, make application for registration to such person and at such place as may be so prescribed;

provided that

(a) no application shall be required to be made under this section on behalf of any Asiatic child who at the expiration of the time within which such application is required to be made is under the age of eight years;

(b) in the case of any Asiatic child who at the expiration of such time is eight years of age but under sixteen years of age, such application shall be made on such child's behalf by his guardian and if not so made shall

be made by such child within one month after attaining the age of sixteen years.

REGISTRAR TO REGISTER APPLICANTS IF APPROVED AND IN CASE OF REFUSAL TO GIVE NOTICE

5. (1) The Registrar shall consider every application for registration made under the last preceding section and register every applicant who is lawfully resident in this Colony or whose application is approved by him and shall cause to be issued to such applicant or the guardian who made the application on his behalf a certificate of registration.

(2) If it shall appear to the Registrar that any applicant is not lawfully resident in this Colony, he may refuse to register such applicant and in case of refusal where the applicant is of the age of sixteen years or over shall cause a notice of refusal to be sent by post to the applicant at the address given by him on the application and a copy of such notice shall be affixed to the principal door of the Magistrate's office of the District where such application was made and the Registrar shall by such notice direct such applicant to appear before the Resident Magistrate of the District at a time therein specified being not less than fourteen days from the date of such notice and shew cause why he should not be ordered to leave this Colony and if such applicant shall fail to appear at the time specified in such notice or having appeared shall fail to satisfy the Resident Magistrate that he is lawfully resident in the Colony, the Resident Magistrate if the applicant is of the age of sixteen years or over shall make an order in writing directing him to leave this Colony within a time to be specified in such order; provided always that if such order is made in the absence of the applicant, such time shall run from the date of the service of the order upon him and such order shall be deemed to be an order made under section *six* of the Peace Preservation Ordinance 1903 and sections *seven* and *eight* of the said Ordinance shall apply accordingly; provided further that if the Resident Magistrate shall be satisfied that the applicant is lawfully resident within this Colony, such Magistrate shall make an order upon the Registrar requiring him to register such applicant and to issue to him a certificate of registration.

PROVISIONS AS TO PARTICULARS TO BE SUPPLIED AND APPLICATIONS TO BE MADE BY GUARDIANS

6. (1) Any Asiatic who is the guardian of an Asiatic child under the age of eight years shall upon making application for registration on his own behalf supply such particulars and furnish such means of identification in respect of such child as may be prescribed by Regulation and if such guardian is himself registered, the particulars aforesaid which he has supplied shall be provisionally noted on the register and such guardian shall within one year after the child aforesaid attains the age of eight years make application for registration on such child's behalf at the office of the Resident Magistrate of the District in which he himself resides;

(2) The guardian of every Asiatic child born in this Colony after the date of the taking effect of this Act shall within one year after such child attains the age of eight years make application for registration on such child's behalf at the office of the Resident Magistrate of the District in which he himself resides; provided that

(a) where any guardian fails to make application for registration on behalf of any Asiatic child whose guardian he is within the time hereby prescribed for making the same, such guardian shall on being thereto required by the Registrar or any Resident Magistrate make such application at any later date;

(b) where any application which is required to be made under this section by the guardian of an Asiatic child is not made by such guardian or where such application is refused, application for registration shall be made by such Asiatic child at the office of the Resident Magistrate of the District within which he resides within one month after he attains the age of sixteen years.

The Resident Magistrate at whose office any application is made under this section shall cause the record of such application and all documents relating thereto to be forwarded to the Registrar, who shall if satisfied that the same is in order register the applicant and cause to be issued to him or his guardian a certificate of registration.

Application for Registration by Asiatics on Attaining Age of Sixteen Whose Guardians Have Failed to Supply Particulars

7. Where particulars as to any Asiatic child under the age of eight years have not been provisionally noted on the register, as is in the last preceding section provided, by reason of the failure of his guardian to supply such particulars, application for registration shall nevertheless be made on behalf of such Asiatic child by the guardian within one year after he attains the age of eight years and if not so made shall be made by such Asiatic child within one month after he attains the age of sixteen years at the office of the Resident Magistrate of the District in which he resides and the record of such application and all documents relating thereto shall be forwarded to the Registrar, who may in his discretion register the applicant and issue to him or his guardian a certificate of registration.

Penalties for Failing to Make Application

8. (1) Any person who shall fail to make application for registration as required by this Act, either on his own behalf or as guardian on behalf of an Asiatic child, shall be liable on conviction to a fine not exceeding one hundred pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

(2) Any person who brings into this Colony an Asiatic under the age of sixteen years not lawfully resident therein and any person who shall employ such

child in any trade or business shall be guilty of an offence and shall be liable on conviction to the following penalties:

(a) to the penalties mentioned in sub-section (1) of this section; and,

(b) if such person is the holder of a certificate of registration, to cancellation of such certificate by the Registrar;

and thereupon the Colonial Secretary may issue an order directing such person to leave this Colony and such order shall be deemed to be an order issued under section *six* of the Peace Preservation Ordinance 1903 and sections *seven* and *eight* of the said Ordinance shall apply accordingly.

(3) Any Asiatic over the age of sixteen years who after such date as may be notified by the Colonial Secretary in the *Gazette* is found within the Colony and fails upon such demand as is hereinafter mentioned to produce a certificate of registration of which he is the lawful holder may be arrested without warrant and brought before a Resident Magistrate and if he fails to satisfy such Magistrate that he is the lawful holder of a certificate of registration or that the time within which he is required to make application for such certificate has not expired, the Magistrate shall, save as in the next succeeding sub-section provided, make an order in writing directing such Asiatic to leave this Colony within such time as may be specified in such order and such order shall be deemed to be an order made under section *six* of the Peace Preservation Ordinance 1903 and sections *seven* and *eight* of the said Ordinance shall apply accordingly.

(4) If an Asiatic who has failed to make application for registration within the time prescribed by this Act shall satisfy the Magistrate before whom he is brought that such failure was due to some good and sufficient cause, the Magistrate may instead of making such order as aforesaid direct such Asiatic forthwith to make application for registration and if such Asiatic shall comply with such direction his application shall be dealt with in all respects as if it had been made within the time within which it was required to be made by this Act and all the provisions of this Act which would have applied if the application had been so made shall apply accordingly but if he shall fail to comply with such direction, the Magistrate shall make such order for removal as aforesaid in respect of such Asiatic.

REGISTRATION CERTIFICATE TO BE PRODUCED ON DEMAND

9. Every Asiatic of the age of sixteen years or over entering or residing in this Colony shall upon demand made upon him by any member of a police force lawfully established in this Colony or any other person authorized thereto by the Colonial Secretary produce the certificate of registration of which he is the lawful holder and shall also on like demand supply such particulars and furnish such means of identification as may be prescribed by Regulation.

Every guardian of an Asiatic child under the age of sixteen years shall produce on such demand as aforesaid any certificate of registration of which such child is the lawful

holder and supply any particulars and furnish any means of identification required by the Act or any Regulation in respect of such child.

EVIDENCE OF REGISTRATION CERTIFICATES

10. Every certificate of registration shall be accepted as conclusive evidence in all places that the lawful holder thereof notwithstanding anything in the Peace Preservation Ordinance 1903 contained is entitled to enter and reside in this Colony; provided always that this section shall not apply to persons who have under section *ten* of the Peace Preservation Ordinance 1903 been ordered to leave the Colony.

DUTY OF PERSON FINDING LOST CERTIFICATES

11. Any person into whose hands shall come any certificate of registration or any permit issued under section *seventeen* of which he is not the lawful holder shall forthwith deliver or transmit the same by post as soon as may be to the Registrar of Asiatics, Pretoria.

Any person who fails to comply with the requirements of this section shall be liable on conviction to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

PROVISION WHERE REGISTRATION CERTIFICATE IS LOST OR DESTROYED

12. If at any time any certificate of registration is lost or destroyed, the person who was the lawful holder thereof shall apply forthwith to the Registrar to have the same renewed and the Registrar shall upon compliance by such person with the Regulations relating to applications for the renewal of certificates and upon payment of a fee of five shillings renew such certificate. The said fee shall be denoted by means of revenue stamps to be affixed to such application by the applicant for such renewal and shall be defaced by the officer who receives such application.

TRADING LICENSES NOT TO BE GRANTED TO ASIATICS EXCEPT UPON PRODUCTION OF CERTIFICATES

13. After such date as may be notified by the Colonial Secretary in the *Gazette*, no Asiatic shall obtain any trading license issued under the Revenue Licenses Ordinance 1905 or any amendment thereof or under any bye-law in force in a municipality unless he shall produce to the person appointed to issue such license a certificate of registration of which he is the lawful holder and supply such particulars and furnish such means of identification as may be prescribed by Regulation.

EVIDENCE AS TO AGE OF ASIATIC

14. Whenever in any prosecution or other proceeding under this Act the age of any Asiatic is in question, such Asiatic shall unless and until the contrary be proved be taken to be of the age which the Registrar shall in any certificate issued under his hand certify to be in his opinion the apparent age of such Asiatic.

EXEMPTION FROM STAMP DUTY OF AFFIDAVIT OR SWORN DECLARATION REQUIRED BY REGULATION

15. Any affidavit or sworn declaration which is required by Regulation to be made by any person who makes an application for registration either on his own behalf or on behalf of some other person shall be exempt from stamp duty.

OFFENCES RELATING TO APPLICATIONS FOR REGISTRATION AND TO REGISTRATION CERTIFICATES

16. Any person who
(i) for the purpose of or in connection with an application for registration or for the purpose of obtaining a certificate of registration commits any fraudulent act or makes any false statement or false pretence or incites any person to or aids or abets any person in such act, statement or pretence;
(ii) forges any certificate of registration;
(iii) uses or attempts to use as his certificate any certificate of registration of which he is not the lawful holder or any forged certificate of registration;
(iv) incites any person to use or aids and abets any person in using as such person's certificate any certificate of registration of which such person is not the lawful holder or any forged certificate of registration,

shall be liable to a fine not exceeding five hundred pounds or in default of payment to imprisonment with or without hard labour for a term not exceeding two years or to both such fine and such imprisonment.

POWER TO ISSUE PERMITS TO ASIATICS TO REMAIN IN COLONY FOR LIMITED PERIOD

17. (1) Notwithstanding anything in the Peace Preservation Ordinance 1903 contained a permit to enter this Colony may in the absolute discretion of the Colonial Secretary be issued in the form prescribed by Regulation authorising an Asiatic to enter and remain in this Colony for any period named in such permit and after the expiry of such period the person authorized by such permit to enter this Colony shall be deemed to be a person not duly authorized to be in this Colony and if found may be arrested without warrant and the provisions of sections *seven* and *eight* of the said Ordinance shall apply to such person as if he were a person who at the date of such expiry had been ordered to leave this Colony under section *six* of the said Ordinance and had failed to comply with such order.

(2) The provisions of section *nine* of the said Ordinance shall in all cases apply to permits issued under this section.

(3) Any permit issued before the date of the taking effect of this Act to an Asiatic under the Indemnity and Peace Preservation Ordinance 1902 or any amendment thereof and expressed to authorize such Asiatic to remain in this Colony for a limited time only shall be deemed to be a permit issued under this section.

(4) The Colonial Secretary may in his discretion order that the person authorized by any permit issued under this section to enter and remain in this Colony

shall not during the currency of such permit be deemed to be a coloured person for the purpose of the provisions of the Liquor Licensing Ordinance 1902 or any amendment thereof and such order shall be endorsed on such permit and shall be of full force and effect for such purposes.

(5) The Colonial Secretary may issue any such order as in the last preceding sub-section mentioned in respect of any person who is a member of an Asiatic race and is not subject to the provisions of this Act.

POWER TO MAKE REGULATIONS

18. The Governor in Council may from time to time make, alter and repeal Regulations for any of the following purposes:

(1) prescribing the form of the register to be kept under this Act;
(2) prescribing the manner and form in which application shall be made for registration, the particulars to be supplied and the means of identification to be furnished by any applicant or the guardian of any applicant for the purpose of or in connection with such application;
(3) prescribing the form of certificates of registration;
(4) prescribing the particulars to be supplied and the means of identification to be furnished:
   (a) by the guardian of any Asiatic child under the age of eight years under section *six* of this Act;
   (b) by any Asiatic upon such demand as is in section *nine* of this Act mentioned;
   (c) by any Asiatic applying for the renewal of any certificate of registration which has been lost or destroyed;
   (d) by any Asiatic applying for a trading license;
(5) prescribing the form of permit to be issued under section *seventeen* of this Act.

GENERAL PENALTIES

19. Any Asiatic or the guardian of any Asiatic failing to comply with any requirement of this Act shall except where otherwise specified be liable on conviction to a fine not exceeding one hundred pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

PROVISIONS AS TO CERTAIN ASIATICS UNDER CONTRACTS OF SERVICE

20. Notwithstanding anything contained in the Labour Importation Ordinance 1904, no Asiatic who is the lawful holder of a certificate of registration and no Asiatic who was lawfully resident in this Colony or allowed to enter it under a proper permit before the date of the said Ordinance shall be prohibited from entering or residing in or being introduced into this Colony by reason of the fact that he is under a contract of service and has not entered into the contract referred to in section *eight* of the said Ordinance.

PROVISION AS TO HOLDING FIXED PROPERTY

21. Notwithstanding anything contained in sub-section (b) of Article *two* of Law No. 3 of 1885 as amended by Volksraad Resolution Article 1419 of the twelfth day of

August 1886, any fixed property in this Colony acquired by an Asiatic before the taking effect of such Law and registered in the name of such Asiatic whether before or after the taking effect of such Law may be transmitted by such Asiatic to another Asiatic by testamentary or other inheritance.

TITLE AND DATE OF TAKING EFFECT

22. This Act may be cited for all purposes as the Asiatic Law Amendment Act 1907 and shall not take effect unless and until the Governor shall proclaim in the *Gazette* that it is His Majesty's pleasure not to disallow the same and thereafter it shall take effect upon such date as the Governor shall notify by Proclamation.

PEACE PRESERVATION ORDINANCE

The following are the sections referred to in the above Act from the Peace Preservation Ordinance No. 5 of 1903:

PERSONS ARRESTED TO BE EXAMINED BY A MAGISTRATE

6. Every person so arrested shall with all convenient speed be brought before a Magistrate and if he fails to satisfy the Magistrate that he is duly authorised to enter or reside in this Colony under the provisions of this Ordinance, the Magistrate may make an order in writing directing such person to leave this Colony within such time as may be specified in such order provided that if such person declares upon oath that he has already obtained a permit and gives satisfactory reasons for his inability to produce the same or if he declares upon oath that he can produce satisfactory evidence that he belongs to one of the classes exempted from the necessity of obtaining a permit by the provisions of section *two* hereof, he may be released upon entering into a recognisance with or without sureties to produce before any Magistrate named in such recognisance and within the time stated therein such permit or evidence, as the case may be. If such person fails to comply with the conditions of his recognisance, it shall be forfeited.

PENALTIES FOR NOT COMPLYING WITH THE ORDER TO LEAVE THE COLONY

7. Any person who may be ordered to leave this Colony and fails to do so within the time specified in the order and any person whose recognisance has been forfeited under the provisions of the last preceding section may be arrested without warrant and brought before a Magistrate and shall upon conviction be sentenced to imprisonment with or without hard labour for a period of not less than one month and not more than six months and with or without a fine not exceeding five hundred pounds and in default of payment to a further term of imprisonment for a period not exceeding six months.

FURTHER PENALTIES FOR REMAINING IN THE COLONY

8. If any person imprisoned under the terms of the last preceding section shall remain in the Colony for a period of more than seven days after the expiration of his term of imprisonment or any subsequent term of imprisonment imposed under this section without obtaining permission in writing from the Colonial Secretary to remain in the

Colony the burden of proving which shall be upon him, he may be arrested without a warrant and brought before a Magistrate and shall on conviction be sentenced to imprisonment with or without hard labour for a period of not less than six and not more than twelve months and with or without a fine not exceeding five hundred pounds and in default of payment to a further term of imprisonment for a period not exceeding six months.

False Permits

9. Any person who

(1) obtains or attempts to obtain or incites any person to obtain or aids or abets any person in obtaining a permit by any fraud, misrepresentation, false pretence, falsehood or other improper means;

(2) uses or attempts to use or incites any person to use or aids or abets any person in using any permit so obtained;

(3) enters or attempts to enter this Colony on a permit so obtained or on a permit not issued to him by proper authority shall be liable to a fine not exceeding five hundred pounds or to imprisonment with or without hard labour for a term not exceeding two years or to both such fine and such imprisonment.

Persons Dangerous to Peace and Good Government

10. It shall be lawful for the Lieutenant-Governor on its being shown to his satisfaction that there are reasonable grounds for believing that any person within this Colony is dangerous to the peace and good government of the country to issue an order under the hand of the Colonial Secretary to such person to leave the Colony within such time after service of such order as may be stated therein. If on the expiration of the said period such person shall be found within the Colony, he shall be proceeded against in manner prescribed in sections *seven* and *eight* of this Ordinance and shall be subject to penalties therein provided.

Indian Opinion, 30-11-1907

APPENDIX II

PETITION TO CHINESE AMBASSADOR

JOHANNESBURG,
October 14, 1907

TO

HIS EXCELLENCY THE ENVOY-EXTRAORDINARY
AND MINISTER-PLENIPOTENTIARY OF
HIS IMPERIAL MAJESTY THE EMPEROR OF CHINA
LONDON

THE PETITION OF LEUNG QUINN IN HIS CAPACITY AS CHAIRMAN OF THE CHINESE ASSOCIATION OF THE TRANSVAAL

HUMBLY SHEWETH THAT:

1. Your Petitioner is the Chairman of the Chinese Association established in Johannesburg four years ago to represent the free Chinese population of the Transvaal.

2. The free Chinese population is at present estimated at over 1,100, the majority of whom are settled in Johannesburg.

3. The majority of the Chinese in the Transvaal are storekeepers of good standing and are all old residents of the Colony.

4. Your Petitioner invites Your Excellency's attention to the Asiatic Law Amendment Act passed by the Transvaal Legislature, copy whereof is hereto attached.

5. The said measure was first passed during the latter part of last year, and it was so deeply resented by the Chinese community of the Transvaal that it was considered advisable to send a special representative to London to plead the cause of the Chinese before Your Excellency's predecessor, so that proper representations might be made to the British Government, and your Petitioner is glad to be able to say that, as a result of the efforts made by Your Excellency's predecessor, the measure was suspended by His Majesty's Government.

6. It was then re-passed unanimously with very great haste by the newly-elected Transvaal Parliament.

7. In the humble opinion of the Chinese Association, the measure fails totally to recognise our ancient civilisation and the fact of our being an independent sovereign nation.

8. It places Chinese subjects on the same level as British subjects coming from India. While it may be proper for the British Government to treat its Indian subjects as it pleases, your Petitioner respectfully submits that subjects of the Chinese Empire should not be treated in a manner derogatory to the dignity of the Empire to which Your Excellency's Petitioner has the honour to belong, especially in view of the fact that China is a State in alliance with Great Britain and that the subjects of Great Britain receive the most-favoured-nation treatment in China.

9. The Asiatic Act requires, under insulting and heavy penalties, every Chinaman, among others, resident in the Transvaal to take out a new registration certificate in place of the documents already held by him. It subjects [the] Chinese to a system of inspection which is utterly degrading. It requires even children under 16 to be registered by their parents in a most humiliating manner. It requires adult male Chinese and their children to give 18 finger-prints, a requirement which is insisted upon only in connection with habitual criminals. The legislation proceeds upon the assumption, totally denied by the Chinese Association, that many of the Chinese are capable of fraudulent representations. It reduces [the] Chinese to a level lower than that of the natives of South Africa and other coloured people. In short, it is such legislation as can be accepted only by slaves, not free men.

10. The feeling of the Chinese community being as above described, it has decided not to submit to the Act and to suffer any consequences that may follow such breach of the law. The community understands that total material ruin may follow passive resistance to the law and that every Chinaman may even be deported. Over 900 members of the community have signed a solemn declaration not to accept the degrading Act.

11. The Chinese Association recognises that immigration into the Transvaal should be regulated and that an effective check should be placed upon illicit entry into the Transvaal Colony and, in order to assist the Local Government in so doing, the Chinese Association has offered to submit to voluntary re-registration as a test merely of the *bona fides* of the Chinese community, and not by way of admission that any such re-registration is necessary. It is the compulsion in a matter of this kind which your Petitioner's Association resents.

12. If the voluntary offer cannot be accepted and substantial relief cannot be granted, in the opinion of the Chinese Association, strong representations should be made to the British Government that every Chinaman should be sent back to China, subject to full compensation being paid to him for deprivation of vested rights as to trade, residence, etc.

13. In conclusion, your Petitioner respectfully trusts that the rights of the Chinese subjects resident in the Transvaal will be fully protected by Your Excellency; and for this act of justice and mercy, your Petitioner shall, as in duty bound, for ever pray, etc.

[*I have, etc.*,]
LEUNG QUINN
CHAIRMAN,
TRANSVAAL CHINESE ASSOCIATION

Indian Opinion, 26-10-1907

APPENDIX III

TRANSVAAL IMMIGRATION RESTRICTION BILL

The following is the text of a Bill, published in the Transvaal *Government Gazette*, "to place restrictions on immigration into this Colony, to provide for the removal therefrom of prohibited immigrants and other persons and to establish and maintain an Immigration Department":

Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of the Transvaal as follows:

1. The Peace Preservation Ordinance 1903 shall be and is hereby repealed; provided that no such repeal shall affect or abridge any powers or jurisdiction by the Asiatic Law Amendment Act 1907 conferred for the purpose of carrying out such Act.

2. In this Act and in any regulation made thereunder unless inconsistent with the context:

"department" shall mean the Immigration Department established and maintained under the provisions of this Act;

"Governor" shall mean the officer for the time being administering the government of this Colony acting by and with the advice of the Executive Council;

"imprisonment" shall mean imprisonment with or without hard labour, as the court sentencing an offender to imprisonment may direct;

"magistrate" shall include a resident magistrate and an assistant resident magistrate of any district of the Colony;

"Minister" shall mean the Colonial Secretary or such other Minister to whom the Governor may from time to time assign the carrying out of this Act;

"minor" shall mean any person under the age of sixteen years;

"police officer" shall mean any member of a police force lawfully established in this Colony;

"prohibited immigrant" shall mean and include any of the following classes of persons desiring to enter or entering this Colony after the date of the taking effect of this Act:

(1) any person who when asked whether within or outside this Colony by a duly authorized officer shall be unable through deficient education to write out and sign in the characters of an European language an application for permission to enter this Colony or such other documents as such officer may require; provided that for the purposes of this sub-section, Yiddish shall be accepted as an European language; provided further that

(a) if the Minister publish a notice in the *Gazette* that arrangements have been made with the government of any country for regulating the admission to this Colony of the subjects or citizens of such country, such subjects or citizens shall not while such notice is in force be required to comply with the provisions of this sub-section;

(b) the Minister shall not issue any such notice unless such arrangements have been sanctioned by resolution of both Houses of Parliament;

(c) any such notice shall cease to have effect as it is cancelled by further notice of the Minister in the *Gazette;*

(2) any person who has not in his possession or at his disposal means to support himself for a reasonable time within this Colony or who is likely to become a public charge if he were allowed to enter therein;

(3) any prostitute or person living on the earnings of prostitution or procuring women for immoral purposes;

(4) any person who under any law in force at the date of his entering or attempting to enter this Colony would be liable if found therein to be removed from or to be ordered to leave the Colony whether on conviction of an offence against such law or for failure to comply with its provisions or otherwise; provided that such conviction be not the result of the commission by such person elsewhere than in this Colony of an offence for which he has received a free pardon;

(5) any person who is a lunatic within the meaning of the Lunacy Proclamation 1902 or any amendment thereof;

(6) any person who is a leper or is suffering from such infectious or contagious disease of a loathsome or dangerous character as may from time to time be prescribed by regulation;

(7) any person who, owing to information officially received by the Minister from any Secretary of State or from a member of any colonial government (whether British or foreign) or through diplomatic channels from an officer of any foreign state, is deemed by the Minister to be an undesirable;

(8) any person who the Minister has reasonable grounds for believing would be dangerous to the peace, order and good government of this Colony if he entered therein;

but shall not include

(a) members of His Majesty's regular forces;

(b) the officers and crew of any public ship of a foreign state;

(c) any person who is duly accredited to this Colony by or under the authority of His Majesty or of the government of a foreign state together with his wife, family and servants;

(d) any person who has served in any of His Majesty's volunteer forces in South Africa and has received a good discharge and who does not come within the scope of sub-section (3), (4), (5), (6), (7) or (8) of the definition of prohibited immigrant;

(e) the wife or minor child of any person who is not a prohibited immigrant;

(f) descendants of the aboriginal races of Africa south of the Equator who do not come within the scope of sub-section (3), (4), (6), (7) or (8) of the definition of prohibited immigrant;

(g) European persons who are agricultural or domestic servants, skilled artisans, mechanics, workmen or miners who are able to produce a

certificate signed by the Agent General of this Colony in England or by an officer in England or elsewhere appointed for the purpose by the Governor to the effect that the person named therein has been engaged to serve immediately on arrival in this Colony an employer therein of repute at an adequate remuneration and for a reasonable period of time;

"regulation" shall mean any regulation made under section *fifteen* of this Act.

3. (1) The Governor may establish and maintain out of moneys voted by Parliament for the purpose a department to be known as the "Immigration Department", which shall be under the control of the Minister and in charge of such officer as he may from time to time appoint.

(2) The function of the department shall be the performance of all work whether within or outside this Colony necessary for or incidental to the prevention of the entrance into the Colony of prohibited immigrants or their removal therefrom and the carrying out of any powers or duties that may be specially conferred or imposed on it by this Act or by regulation.

(3) The Governor may from time to time appoint and remove such officers as he may think necessary or expedient to assist in the administration of the department who shall have such powers and perform such duties within or outside this Colony as may be conferred upon them by this Act or by regulation.

4. The Governor may from time to time enter into agreement with the government of any colony or territory in South Africa for the doing of such acts or things as are necessary or expedient for the carrying out of the objects and purposes of this Act.

5. Every prohibited immigrant entering into or found within this Colony shall be guilty of an offence and shall be liable on conviction

(1) to a fine not exceeding one hundred pounds or in default of payment to imprisonment for a period not exceeding six months or to both such fine and such imprisonment; and

(2) to be removed at any time from the Colony by warrant under the hand of the Minister and pending such removal to be detained in such custody as may by regulation be prescribed; provided that

(a) such prohibited immigrant may be discharged from such detention if he find two approved sureties in this Colony (each in the sum of one hundred pounds) for his leaving the Colony within one month;

(b) if such prohibited immigrant be sentenced to imprisonment, such imprisonment shall terminate as soon as he is removed from the Colony.

6. Any person convicted after the date of the taking effect of this Act of a contravention of section *three*, *thirteen* or *twenty-one* of the Immorality Ordinance 1903 or any amendment of such sections and any person who may be deemed by the Minister on reasonable grounds to be dangerous to the peace, order and good government of this Colony if he remain therein may be arrested and removed from the Colony by

warrant under the hand of the Minister and pending removal may be detained in such custody as may be prescribed by regulation.

7. Any person who

(1) wilfully aids or abets a prohibited immigrant in entering or remaining in this Colony; or

(2) wilfully aids or abets a person ordered to be removed under section *six* in remaining in this Colony; or

(3) enters into or purports to enter into a contract as employer with any person outside this Colony with intent that the provisions of this Act be evaded or at the time of entering into or purporting to enter into such contract shall be unable to fulfil his part thereof or has no reasonable expectation of being so able

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred pounds or in default of payment to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

8. No prohibited immigrant shall be entitled to obtain a licence to carry on in this Colony any trade or calling or to acquire therein any interest in land whether leasehold, freehold or other interest; and any such licence (if obtained) or any contract deed or other document by which such interest is acquired in contravention of this section shall on conviction of such immigrant under section *five* of this Act be null and void.

9. Every person found in this Colony who is reasonably suspected of being a prohibited immigrant may be arrested without warrant by any magistrate, justice of the peace, police officer or officer of the department and shall as soon as possible be brought before a court of resident magistrate to be dealt with according to law.

10. No prohibited immigrant shall be exempt from the provisions of this Act or allowed to remain in this Colony by reason only that he had not been informed that he could not enter the Colony or that he may have been allowed to enter through oversight or owing to the fact being undiscovered that he was a prohibited immigrant.

11. Any person ordered to be removed from this Colony under this Act and any other person who shall have been convicted under section *seven* of aiding or abetting him in entering or remaining in the Colony in contravention of this Act shall be liable to pay all expenditure incurred by the Government in carrying out such removal whether from the Colony or South Africa or in the detention within the Colony or elsewhere of any person pending his removal; and the amount of such expenditure on production to the Sheriff of the certificate of an officer of the department stating the items and total amount of such expenditure shall be recovered by execution levied on the property within the Colony of the person so liable in manner provided for execution levied under a judgment of the Supreme Court; and the proceeds of such execution shall be paid by the Sheriff to the Colonial Treasurer who after deduction of the amount of expenditure aforesaid and the costs of execution shall remit the balance to the person so liable or to any person appointed by him to receive the same.

12. (1) It shall be the duty of every keeper or person having the management of a place used as an hotel, boarding-house, lodging-house or other

place wherein persons receive sleeping accommodation for money or valuable consideration to cause to be kept a book in which every person immediately he first receives such accommodation shall enter his name, permanent residence, place of birth and place from which he last came.

(2) Every such book shall be open to the inspection of any police officer or officer of the department at all reasonable times.

(3) Any person failing to comply with the requirements of this section or obstructing or preventing any such officer in carrying out his powers thereunder or making any false entry in such book shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty pounds or in default of payment to imprisonment not exceeding one month or to both such fine and such imprisonment.

13. The burden of proving that a person has not entered or remained in this Colony in contravention of this Act or any regulation shall in any prosecution for such contravention lie upon the accused person.

14. Every court of resident magistrate shall have jurisdiction to impose the maximum penalties for all contraventions of this Act or of any regulation.

15. The Governor may from time to time make, alter or rescind regulations not inconsistent with the provisions of this Act for all or any of the following purposes:

(a) Prescribing the powers and duties of officers of the department,

(b) For preventing the entrance of prohibited immigrants into this Colony,

(c) For the removal from this Colony of persons ordered under this Act to be removed therefrom,

(d) For the detention pending removal of persons ordered under this Act to be removed from the Colony,

(e) Prescribing the diseases which are infectious or contagious diseases for the purposes of sub-section (6) of the definition of prohibited immigrant,

(f) Prescribing the forms of (i) the certificate mentioned in sub-section (g) of the classes of persons excluded from the definition of prohibited immigrant; (ii) the warrants to be issued by the Minister under sections *five* and *six;* (iii) the book to be kept under section *twelve*,

(g) Prescribing the conditions under which prohibited immigrants may be allowed to pass through this Colony while journeying to a place outside the same,

(h) Generally for the better carrying out of the objects and purposes of this Act,

and may by any such regulations prescribe penalties for contraventions thereof not exceeding a fine of one hundred pounds or in default of payment imprisonment for a period not exceeding six months or both such fine and such imprisonment.

16. This Act may be cited for all purposes as the Immigrants Restriction Act 1907 and shall take effect on such date as may be declared by proclamation of the Governor in the *Gazette*.

Indian Opinion, 13-7-1907

APPENDIX IV

REGULATIONS

MADE UNDER SECTION 18 OF THE ASIATIC LAW AMENDMENT ACT OF 1907

1. In these Regulations, unless inconsistent with the context:

"Act" shall mean the Asiatic Law Amendment Act, 1907;

"Adult" shall mean a male Asiatic of the age of sixteen years or over;

"applicant" shall mean any person who makes application for registration on his own behalf or any person on whose behalf application for registration is made by his guardian;

"application for registration" shall mean an application to be placed on the register of Asiatics, made in such manner and form and accompanied by the supplying of such particulars and the furnishing of such means of identification as are required by Regulation No. 3;

"area" shall mean a magisterial district or such portion thereof as the Colonial Secretary may appoint by notice in the *Gazette*, under sub-section (1) of section *four* of the Act;

"Asiatic" shall mean any such male person as is described in Article *one* of Law No. 3 of 1885, not being a Malay born and resident in any British Colony or possession in South Africa, not a person introduced into the Colony under the Labour Importation Ordinance, 1904, and not being an officer in the Chinese Consular Service;

"certificate of registration" shall mean a certificate of registration issued under sub-section (1) of section *three* of the Act;

"guardian" shall mean the parent of an Asiatic under the age of sixteen or any other person under whose care or control such Asiatic is living for the time being or failing any such person the employer of such Asiatic;

"lawful holder" as used in relation to any certificate of registration shall mean the person whose registration is thereby certified;

"minor" shall mean a male Asiatic over the age of eight and under the age of sixteen years;

"police force" shall mean a police force lawfully established in this Colony;

"police officer" shall mean any member of a police force;

"Registrar" shall mean the officer appointed by the Governor to keep the register of Asiatics and any person lawfully acting in such capacity;

"Resident Magistrate" shall include an assistant resident magistrate.

2. The form of the register of Asiatics shall be that set forth in Schedule "A" hereto.

3. The form of application for registration shall be:

(1) for an adult applicant the form set forth in Schedule "B" hereto;

(2) for minor applicant the form set forth in Schedule "C" hereto.

4. (a) Every adult making application for registration on his own behalf shall appear before such person as the Colonial Secretary may by notice in the *Gazette* appoint for the area in which such applicant is resident and shall furnish such person with the particulars required by the form of application set forth in Schedule "B" hereto, and shall produce and surrender to such person:

(1) any permit to enter and reside in the Transvaal issued to him under the provisions of the Indemnity and Peace Preservation Ordinance of 1902, or any amendment thereof;

(2) any certificate of registration or receipts for payment of the fee prescribed for registration under the provisions of Law No. 3 of 1885 as subsequently amended;

(3) any other documents in his possession which he may desire to produce in support of his application for registration.

(b) Every guardian making application for registration on behalf of a minor shall appear before such person as aforesaid with such minor, and shall furnish such person with the particulars regarding himself and such minor as are required by the form set forth in Schedule "C" hereto, and shall produce and surrender to such person such documents relating to such minor as are in the preceding sub-section described.

(c) Every application for registration shall be made at such place and before such date as the Colonial Secretary may for any area prescribe by notice in the *Gazette*.

(d) Every person appointed to receive application for registration as aforesaid shall, immediately the form of application in respect of any applicant is completed, issue to the applicant or guardian a written acknowledgement under his hand of the receipt of the application for registration and of the documents produced and surrendered in support of such application. Such acknowledgement shall be in duplicate in the form set forth in Schedule "D" hereto, and the duplicate copy thereof shall forthwith be transmitted by such person to the Registrar with the form of application and any documents produced in support thereof.

5. If, acting in accordance with sub-section (2) of section *five* of the Act, the Registrar refuses to register any adult, the notice of refusal sent to the applicant in accordance with such sub-section and the copy sent to the Resident Magistrate for the purpose of being affixed on the principal door of the Magistrate's office, shall be in the form set forth in Schedule "E" hereto.

6. The certificate of registration shall be in the form set forth in Schedule "F" hereto.

7. Every adult required by a police officer or by any person duly authorised thereto by the Colonial Secretary to produce the certificate of registration of which he is the lawful holder shall, in addition to producing such certificate, supply on the demand of such police officer or other person aforesaid the following particulars:

(1) his name in full;
(2) his present residence;
(3) his residence at the date he made application for registration;
(4) his age;

and shall furnish to and in the presence of such police officer or other person aforesaid:

(1) a specimen of his signature, if he is able to write;
(2) impressions of his thumbs or of his thumbs and his fingers.

8. Every guardian of a minor required by such police officer or other person aforesaid to produce the certificate of registration of which such minor is the lawful holder shall, in addition to producing such certificate, supply on such demand as aforesaid the following particulars:

(1) his own name in full;
(2) his present residence;
(3) the name in full of the person who was guardian of the minor at the date on which application was made for a certificate of registration on behalf of such minor and the residence of such person at such date;
(4) the age of such minor;

and shall furnish to and in the presence of such police officer or other person aforesaid the impressions of the thumbs of such minor or of the thumbs and the fingers.

9. Every guardian of Asiatic children under the age of eight years shall on making application for a certificate of registration supply the following particulars regarding all such children:

(1) their full names;
(2) their respective ages;
(3) the relationship of each to the guardian;
(4) the birth-place of each;
(5) the date on which each entered the Transvaal, if born elsewhere.

10. Any Asiatic applying for the renewal of the certificate of registration of which he, or a minor of whom he is the guardian, was the lawful holder, and which has been lost or destroyed, shall supply to the Registrar the following particulars:

(1) the number of such registration certificate;
(2) his full name;
(3) his present residence;
(4) the full name and the age of the minor (if the application is made by a guardian on behalf of a minor);

and shall furnish to and in the presence of the Registrar or such other person as the Registrar may for the purpose appoint:

(1) impressions of his thumbs and fingers; or
(2) if the application is made by a guardian on behalf of a minor, the number of his own registration certificate, impression of his own right thumb, and the impressions of the thumbs and fingers of such minor.

11. Every Asiatic applying on his own behalf for any trading licence issued under the Revenue Licenses Ordinance, 1905, or any amendment thereof, or under any bye-law in force in a Municipality, shall, in addition to producing to the person

appointed to issue such license the certificate of registration of which he is the lawful holder, furnish to and in the presence of such person impressions of all or such of his thumbs or fingers as such person may require.

12. Every Asiatic applying on behalf of another Asiatic, who is temporarily absent from the Transvaal, for such trading license as aforesaid shall supply to the person appointed to issue such license:

(1) his own certificate of registration;
(2) the full name of the Asiatic on whose behalf the application is made;
(3) the present residence of such Asiatic;
(4) the power of attorney or other authority under which he is authorised to apply for such licence or to carry on the trade of the absentee, and such power or other authority shall bear a clear impression of the right thumb of such absentee and shall furnish to and in the presence of such person, if so required, the impression of his own right thumb.

13. The permit to enter and remain in the Colony for a limited period mentioned in section *seventeen* of the Act shall be in the form set forth in Schedule "G" hereto.

SCHEDULE "A"

REGISTER OF ASIATICS

Registration Certificate No.	Date of Issue	Name in full	Race	Caste or Sect	Particulars of Family residing in the Transvaal				Classification	Duplicate Certificate Issued on	Remarks
					Names of Wives	Sons or Male Wards under 8 years		Relationship to Guardian			
						Names	Age				
1.											

[FACE]

SCHEDULE "B"

APPLICATION MADE FOR REGISTRATION OF AN ASIATIC ADULT

Name in full..Race................
Caste or Sect..............................Age............Height........
Residence ....Occupation ....
Physical description...
....
....
Place of birth...
Date of first arrival in the Transvaal...................................
Where resident on 31st May, 1902.......................................
Father's name..............................Mother's name..............
Wife's name................................Residing at.................
Sons and Male Wards under the age of 8 years

Name	Age	Residence	Relationship to Guardian

Signature of Applicant...............
Signature of person taking application.................................
Date....................................Office ....

[BACK]

Name..........................

RIGHT HAND IMPRESSIONS

Thumb	Index	Middle	Ring	Little

LEFT HAND IMPRESSIONS

Thumb	Index	Middle	Ring	Little

SIMULTANEOUS IMPRESSIONS

Left Hand	The four fingers	Right Hand	The four fingers

Impressions of Adult taken by............................Date................

[FACE]

SCHEDULE "C"

APPLICATION MADE FOR REGISTRATION ON BEHALF OF AN ASIATIC MINOR

PARTICULARS OF GUARDIAN

Name in full..Race...............
Residence ....
Relation of Guardian to Minor..
No. of Certificate...

PARTICULARS OF MINOR

Name in full..Race...............
Caste or Sect..Age................
Residence..............................Occupation ....
Where resident on 31st May, 1902...
Father's name..............................Mother's name................
Physical description...
....
....
Place of birth..
Date of arrival in Transvaal...
Right thumb impression
of Guardian

Signature of Guardian...........................
Signature of Minor ....
Signature of person
taking application...............................
Office ....
Date ....

[BACK]

Name.....................................

RIGHT HAND IMPRESSIONS

Thumb	Index	Middle	Ring	Little

LEFT HAND IMPRESSIONS

Thumb	Index	Middle	Ring	Little

SIMULTANEOUS IMPRESSIONS

Left Hand	The four fingers	Right Hand	The four fingers

Impressions of Minor taken by..............................Date...............

SCHEDULE "D"

ACKNOWLEDGEMENT OF RECEIPT OF APPLICATION

........................190....

To

....

....

....

I have the honour to acknowledge receipt of the application for registration under the Asiatic Law Amendment Act, 1907, made by you on behalf of ....and the documents produced in support of such application as described below.

Signature ....

Office ....

Description of Documents:

SCHEDULE "E"

NOTICE OF REFUSAL OF APPLICATION

...........................190....

To

....

....

....

Whereas you on the................day of..............at.................. made application to be placed on the register of Asiatics, lawfully resident in the Transvaal;

And whereas after due consideration of such application, it appears to me that you are not lawfully resident in the Transvaal;

You are hereby notified that I refuse to register you as being lawfully resident in the Transvaal, and direct you in terms of sub-section (2) of section *five* of the Asiatic Law Amendment Act, 1907, to appear before the........................... Resident Magistrate at........................on the...................day of.....................190....at 10 o'clock in the forenoon to show cause why you should not be ordered to leave this Colony.

Signature............................

Registrar of Asiatics

SCHEDULE "F"

CERTIFICATE OF REGISTRATION

Name in full..
Race ....Age ....Height ....
Description ....
....
....
....

Registrar of Asiatics

Right thumb impression

Date of Issue..........................
Holder's Signature.....................

No alterations or endorsements are to be made on the face of this certificate except by the Registrar of Asiatics.

SCHEDULE "G"

TEMPORARY PERMIT

Permission is hereby granted to.. whose description is given below, to enter and reside in the Transvaal for a period of..commencing from the...

DESCRIPTION

Race..................................Caste or Sect......................
Place of birth..........................Age................Height ....
Residence ....
Town or place in the Transvaal to which proceeding...........................
Physical description...
....
....
Signature ....
Right thumb impression

Signature ....
Registrar of Asiatics
Impression taken by...................
At ....
Date...............

APPENDIX V

SOUTH AFRICA BRITISH INDIAN COMMITTEE

28 Queen Anne's Chambers, Broadway,
Westminster, S.W.,
August 14, 1907

TO

The Right Honourable Sir Henry Campbell-Bannerman, G.C.B.,P.C.,&C.
Prime Minister

SIR,

A deputation of my Committee, a list of whose names I have the honour to enclose herewith, is desirous of waiting upon you for the purpose of respectfully placing before you their views upon the position and treatment of their Indian fellow-subjects in the Transvaal Colony.

By way of introduction, they have desired me to submit to you the following facts:

The British Indian population of this Colony which, as will later be shown is practically stationary, is, according to recent census returns, about 10,000. The majority belong to the trading class and are shopkeepers and hawkers. The remainder are marked gardeners, native jewellery artificers, tailors, &c. There are virtually no Indian coolies, miners, or mechanics.

You will be aware that "Asiatics" (including British Indians) were subjected by the late Transvaal Government to certain disabilities in addition to those shared by non-Asiatic aliens, and that Law 3 of 1885, while not restricting Asiatic immigration into the State, imposed a £3 registration fee, denied the right to acquire Burghership, prohibited registration of fixed property in their names, and made them liable to be relegated to certain streets, wards and locations. These disabilities, particularly the deprivation of the right to acquire Burghership, were undoubtedly largely due to colour prejudice. Under the old Grondwet, the line between white and coloured was distinctly drawn. It is there laid down that "there shall be no equality between coloured and white".

Against this differential legislation numerous representations and protests were from time to time made to the Transvaal Government by His Majesty's Ministers, notably Lord Derby and Mr. Chamberlain. These are well summarised in the words of a despatch of July 20th, 1904, from the Right Honourable Alfred Lyttelton to the High Commissioner:

"Up to the outbreak of war, therefore, the British Government had steadily maintained, at first as a matter of right and, subsequent to the Award of 1895 by diplomatic persuasion, the interest of British Indians resident in the Transvaal, and the treatment of those fellow subjects formed part of the British case against the late South African Republic."

It is doubtless also unnecessary to remind you of the important hospital and other services voluntarily rendered during the war by British Indians domiciled in South Africa. Not unnaturally those of the Transvaal confidently expected that incorporation of the Transvaal territory within the Empire would see the prompt removal of their disabilities, and their restoration to equality with their fellow subjects. Although, however, annexation of the Transvaal was followed by the prompt repeal of very many of the old statutes of the Republic, Law 3 of 1885 was, to their unspeakable disappointment, retained on the Statute Book of the new Colony. Moreover, immigration was restricted to the return of pre-war residents, the Peace Preservation Ordinance, passed by the new Government for the purpose of excluding enemies of the new State, being applied to keep out would-be Asiatic newcomers. A special department was, for the first time, established to regulate and supervise the return of domiciled Asiatics, who experienced numerous and grievous delays in obtaining permits to return to their homes and businesses. In 1903, the High Commissioner decided to strictly enforce the provisions of Law 3 of 1885, which, owing to representations by His Majesty's Government, had to a great extent remained a dead letter under the Boer regime. All Asiatics who could not satisfy the authorities that they had already paid the £3 registration fee were compelled to disburse. Five thousand and sixty-six Indians and five hundred and fifteen Chinese paid a total of £9,059. The whole character of the registration was altered. Under the Republic, this, when required at all, had merely consisted in the passing to the payer of the receipt for the £3. The Registrar of Asiatics reported in 1904 that, with three exceptions, no Asiatic registers or records compiled by the late Boer Government (if such records ever were kept) were found in any district. Re-registration now for the first time assumed the character of identification. Instead of being mere receipts for the £3 fee, the certificates issued contained names of holders, their wives, number of children, the age of the holders, and their distinctive marks and thumb prints. Protestations by the British Indian community against the step proposed, on the ground that having already complied with the requirements of the law they were not compellable to re-register, were met by the recommendation of the High Commissioner to acquiesce in the new requirement, His Lordship assuring them:

"I think that registration is a protection to them. To that registration there is attached a £3 tax. It is only asked for once, those who have paid it to the old Government have only to prove that they have done so, and they have not to pay it again. Again, once on the register, their position is established and no further registration is necessary, nor is a fresh permit required. That registration gives you a right to be here and a right to come and go."

The British Indian community thereupon voluntarily assented to the new re-registration and without statutory or other compulsion, one and all took out the passes required. These passes bearing the identification particulars previously described are to-day held by every resident British Indian practically without exception.

Virtually no relaxation has taken place in the old restrictions against the holding of fixed property.

During 1902 and 1903, considerable correspondence passed between His Majesty's Government and the Government of the Transvaal Colony on the subject of segregation of Asiatics (including British Indians) in bazaars or locations specially set apart for them, and also with a view to curtailing their right to demand licences to trade where they chose in the Colony.

A refusal in 1904 to issue renewal of a shop licence to Habib Motan, of Pretoria and Pietersburg, resulted in a Supreme Court judgment vindicating their right to trade outside locations.

In 1903, correspondence passed between the Transvaal Government and the Government of India on the subject of coolie labour for the Transvaal mines. Negotiations proved abortive, the Government of India insisting upon the removal of certain disabilities suffered by the resident Indian mercantile community of the Colony as a necessary condition to its assent, the Transvaal Government finding itself unable to agree.

In the same year, certain proposed legislation was submitted to His Majesty's Government by the Government of the Transvaal, under which such rights as still remained to the Asiatic community were threatened with still further curtailment, to which His Majesty's Government replied in the following terms:

"But an apprehended trade competition from the British Indians now in the country, whose number is now comparatively small and will, under the proposed restrictions upon immigrants, be in a diminishing proportion, cannot be accepted as sufficient reason for the legislation proposed. His Majesty's Government have steadily declined to allow this fear to influence their views in the past. On the contrary for many years they repeatedly protested before the Empire and the civilized world against the policy and laws of the late South African Republic in relation to this subject.

"These laws were indeed only partially enforced, while His Majesty's Government is now asked not merely to sanction their strict enforcement, but to set aside by legislation a judgment of the Supreme Court, which has given to the British Indian rights for which His Majesty's Government have strenuously contended.

"His Majesty's Government cannot believe that the British community in the Transvaal appreciate the true nature of the proposition which some of its members are pressing upon you. They as Britons are as jealous of the honour of the British name as ourselves and, even if a material sacrifice were necessary to vindicate that honour, I feel assured that they would cheerfully make it. *His Majesty's Government hold that it is derogatory to national honour to impose on resident British subjects disabilities against which we had remonstrated, and to which even the law of the late South African Republic, rightly interpreted, did not subject them,* and they do not doubt that when this is perceived, the public opinion of the Colony will not any longer support the demand which has been put forward."

With the advent to office of the present Government, British Indians in the Transvaal entertained the utmost confidence that, even if no removal of existing disabilities followed, the community would at least be firmly protected from any further encroachments upon their remaining rights.

You will recall the circumstances attending the disallowance in 1906 of the Asiatic Law Amendment Ordinance, and you will likewise be aware that, despite numerous appeals and protests, identically the same measure has been passed with the sanction of His Majesty's Government by the present Responsible Government of the Transvaal.

Representations by my Committee to His Majesty's Government and to General Botha in person were received with assurances that the law in question would be administered by the Transvaal Government in the mildest and least irksome manner. Unhappily, that Government has apparently not seen its way to temper the severity which characterised the original Ordinance, sanction to which was refused, nor yet the Regulations under which it is to be administered.

The new Act has aroused the utmost indignation throughout the British Indian community, and has stirred this ordinarily docile and law-abiding people in a wholly unprecedented manner. They protest against it chiefly on the following grounds:

(1) It violates the assurances of the High Commissioner given to them in 1903, when they voluntarily assented to re-registration.

(2) It nullifies their present title to be in the country, and at a stroke invalidates existing permits and certificates, throwing upon the holders the burden of proving their title to them.

(3) In place of voluntary registration assented to in deference to white colonial prejudice and suspicion, it imposes compulsory registration under most humiliating and, to sensitive British Indians, revolting conditions and degrades them as a community to the level of the South African savage. They become a people branded by law with the bar-sinister of inferiority.

(4) It is, they fear, but a prelude to still further restrictions upon their liberties, and to the enactment of similar legislation in other South African Colonies.

(5) It presupposes a criminal complicity in a conspiracy, of which they have been accused, to flood the country with Asiatics, but which they have persistently denied, and in regard to which they have repeatedly called for a Commission of Enquiry.

(6) It is reactionary legislation and opposed to the best British traditions.

The objection of the community is thus not to re-registration *per se*, which indeed they have offered to again voluntarily undergo. It is to the communal humiliation and degradation felt by them to result from such differential class legislation.

Mass meetings attended by[1] as many as 2,000 British Indians have recently been held, at which shopkeepers of position and importance, as well as smaller traders and hawkers, solemnly pledged themselves to submit to the last penalties of the law, and sacrifice not only personal liberty, but every worldly possession, rather than re-register in terms of the new Act. The Asiatics of Pretoria were notified that they must apply for the new certificates before the beginning of the present month. They have preferred to incur liability to heavy fine and deportation and have held severely aloof.

[1] The original has "Mass meetings numbering..."

Besides the representations of my Committee, British Indians themselves have made numerous appeals to the Transvaal Government, praying for a consideration of the matter from their point of view, but without avail.

My Committee now feel that the time has arrived for intercession by the Imperial Government, and they would respectfully urge that, in their humble opinion, British Indians of the Transvaal have not been restored to those rights to which, as civilized subjects of the Empire, they are entitled, nor yet have received the protection due to them from His Majesty's Government from the imposition of further disabilities since the annexation.

The claims of the British Indians are most modest:

(1) Repeal of the new law requiring compulsory re-registration and, as an alternative, acceptance of their offer to re-register voluntarily; existing certificates to be surrendered for a new document to be mutually agreed upon, failures to voluntarily register, should any such occur (which is most unlikely), to be met by a subsequent short Act empowering expulsion of Asiatics not in possession of the new certificate;

(2) Repeal of Law 3 of 1885 as far as it applies to British Indians.

But:

(A) The right of the European colonists to limit the influx of Asiatics is admitted. Such restriction is now effected under the Peace Preservation Ordinance, and an Immigration Restriction Bill is already gazetted to still further limit such immigration;

(B) The principle of control of the issue of trading licenses by Licensing Boards (with power of appeal from their decision to the Supreme Court) is likewise accepted;

(C) In deference to existing prejudices of the white colonists, neither political nor municipal power is demanded.

It is perhaps superfluous to add that this matter is not one touching merely the domestic concerns of the Colony but is one of highest Imperial importance, and far-reaching in its consequences.

It is confidently anticipated that friendly representations by His Majesty's Government to the Government of the Transvaal on behalf of the British Indians in question would have the desired effect.

I am desired to add that should you signify your willingness to receive the deputation, you will kindly name alternative dates, as some members of my Committee have numerous engagements which they might find it impossible to postpone.

I have, &c.,
L. W. Ritch
Secretary

India Office Records: J. & P. 3927/07

APPENDIX VI

A PRIZE OF TEN GUINEAS

For an Essay on "The Ethics of Passive Resistance"

As this journal has, in a humble way, led the battle of passive resistance now being offered by the Indians in the Transvaal against an Act which, in their opinion, does violence to their consciences and as the controllers of the policy of this journal are desirous of showing the general utility of the doctrine of passive resistance, the management have decided to offer, as they now do, a prize of ten guineas for the best essay on "The Ethics of Passive Resistance". The doctrine, religiously construed, means a fulfilment of Jesus' famous saying, "Resist not evil". As such, it is of eternal and universal application, and if it were practised largely, it would replace, to a great extent if not entirely, brute force and other kindred methods for securing redress of grievances or inauguration of reforms. The management, therefore, trust that the best men in South Africa, having leisure, will compete for the prize, not for its monetary value, but with a view to an elucidation of [a] principle of life which, although it has the sanction of the best minds of the world, is still little understood and less practised.

The terms of competition are as follows:

(1) The essay should be written clearly, on one side of the paper only, or preferably typed. The competitor's name should not appear on the manuscript.

(2) It may be divided into four chapters and should not cover more than ten columns of *Indian Opinion.*

(3) It should contain an examination of Thoreau's classic, "On the Duty of Civil Disobedience", Tolstoy's works—more especially "The Kingdom of Heaven is Within You"—and it should give Biblical and other religious authorities and illustrations; and also the application of the "Apology of Socrates" to the question. The essay should give illustrations from modern history in support of the doctrine.

(4) It should be addressed: The Editor, *Indian Opinion,* Phœnix, Natal, and should reach not later than the 30th instant.

(5) The management reserve to themselves the right to publish and translate any of the contributions received, and to reject all if none is considered suitable.[1]

Indian Opinion, 9-11-1907

[1] The above announcement was repeated in *Indian Opinion,* 30-11-1907 with the following addition: "Rev. Dr. J. Landau, Ph.D. (Vienna), M.A. (Cape), has kindly consented to act as judge, the time allowed having been extended until the 31st December instead of 30th November, as previously announced. Dr. Landau desires it to be clearly understood that, in so doing, he in no way enters into the merits of the political application of the principle of 'passive resistance'. His functions are entirely confined to the judging of the literary and intrinsic worth of the essays sent in."

He, however, having declined, the Rev. J. J. Doke, minister of the Central Baptist Church, judged the essays and gave his award on January 17, 1908; *vide Indian Opinion,* 25-1-1908.

APPENDIX VII

BRITISH INDIAN ASSOCIATION, JOHANNESBURG

Summary of Account of Receipts and Expenditure from March, 1906 to August, 1907

		£	s.	d.
To Cash	London Committee	280	6	6
,, ,,	Telegrams	27	10	11
,, ,,	Cables	192	1	9
,, ,,	Lichtenstein & Blake Tram Case, etc.	88	16	10
,, ,,	Stationery	1	3	6
,, ,,	Papers including daily Cape *Gazette* and supply of 30 copies [of] *Indian Opinion* weekly to London Committee	16	14	11
,, ,,	Typist	47	10	0
,, ,,	Printing petitions, etc.	41	11	4
,, ,,	Hire of halls for meetings	24	16	6
,, ,,	Stamps	4	7	4
,, ,,	Fares (Railway for several Deputations)	29	2	2
,, ,,	Press telegrams	2	2	3
,, ,,	Alexander	0	10	6
,, ,,	Sundries, including advertisements, etc.	24	8	3
		£781	2	9

		£	s.	d.
By Cash	from Naidoo	18	0	0
,, ,,	,, The Tamil Community	20	0	0
,, ,,	,, The Hindu Society	25	0	0
,, ,,	,, The Rander Committee	20	0	0
,, ,,	,, Hamidia Islamic Society	14	0	0
,, ,,	Refund by C.S.A.R.	1	8	2
,, ,,	Refund by Reuter	1	2	6
,, ,,	Refund re: West End Hall	1	10	0
,, ,,	from the Gujarat Hindu Society	224	10	9
,, ,,	Collection by Alibhai Akoojee	17	0	0
,, ,,	Collection by Naidoo & Co.	1	4	0
,, ,,	from M.E. Gatu	0	8	0
,, ,,	Balance from Deputation a/c	167	9	6
,, ,,	from C.M. Valab	39	10	0
,, ,,	Collected at meeting	30	10	0
,, ,,	from A.A. Pillay	1	0	0
,, ,,	I. V. Thomas	0	10	0
,, ,,	from Suliman I. Mia & Co.	1	10	0
,, ,,	from Nanji Ghela	7	0	0
,, ,,	Collection at Spelonken	10	0	0
,, ,,	from Vyas	0	2	4
,,	Amount previously acknowledged	108	10	7
,,	Balance available	94	17	5
		£781	2	9

Indian Opinion, 26-10-1907

SUMMARY OF RECEIPTS AND EXPENDITURE

FROM [1ST] SEPTEMBER TO 23RD NOVEMBER, 1907

	£	s.	d.
To Advertisement re: Deputation and Association's a/c	4	15	0
„ Cables, Immigration Bill, Dadabhai's birthday, Professor Gokhale, S. Banerjea, King's birthday	15	7	6
„ Fares to Germiston and Pretoria	3	7	8
„ Advocate Gregorowski for opinion re: Sinha Vassa Rangasamy	2	2	0
„ Papers — Cape *Government Gazette*, *Leader*, *Mail*, supply of 30 copies [of] *Indian Opinion* weekly [to] London Committee	10	1	0
„ Printing—K. Dickinson & Co., printing and binding petition	14	1	6
„ Stamps	3	4	8
„ Sundries	0	15	5
„ Telegrams re: Pundit's trial, etc.	8	12	4
„ Typist September and November	10	0	0
„ Balance	140	18	1
	£213	5	2

	£	s.	d.
By Balance from last account	94	17	5
„ Cash collection by Kunbies per Dulab Bhaga	11	0	0
„ Cheque not cashed by conductor	0	10	0
„ Cash from Chinde Indians	33	15	9
„ Cash from Allbret & Co. (donation)	25	0	0
„ Cash from G. P. Vyas re: Pretoria fare	1	0	0
„ Cash withdrawn from Association Account	18	15	0
„ Sale of chairs [to] Hindu Society	13	5	9
„ United Assembly, Rustenburg	15	1	3
	£213	5	2

Indian Opinion, 30-11-1907

APPENDIX VIII

BRITISH INDIANS AND THE TRANSVAAL

L. W. Ritch

Preface

Frequent requests for a concise statement of the Transvaal British Indian grievances suggested the writing of a short history of the matter. The following is an attempt to place the facts, briefly, before an increasingly interested public.

The author is indebted to Blue Books for as much of the history as preceded his own advent [in]to the Transvaal. The facts of the last eighteen years fall within his own experience.

This little work has no pretensions to literary merit. An advance plea of "guilty" is entered in respect of its doubtless numerous defects of style and diction. It is to the facts that attention is respectfully directed.

28, Queen Anne's Chambers, S.W.

7-11-07

BRITISH INDIANS AND THE TRANSVAAL[1]

Under the Boer Republic

The history of the disabilities under which British Indians labour in the Transvaal dates back to the controversy of 1885 between His Majesty's Government and the Government of the Transvaal Republic about what time the latter was pressed to legislate against so-called Arab traders, many of whom were really British Indians, by rival European storekeepers, many of whom were neither Transvaal burghers nor yet British subjects.

Article 14 of the London Convention had provided that *all persons, other than natives*, conforming themselves to the laws of the South African Republic:

(a) Should have full liberty with their families to enter, travel, or reside in any part of the South African Republic;

(b) Should be entitled to hire or possess houses, manufactories, warehouses, shops, and premises;

(c) Might carry on their commerce either in person or by any agents whom they might think fit to employ.

In 1885 the State Secretary of the Transvaal communicated to Lord Derby (then Secretary of State for the Colonies) the proposal of his Government to legislate for the regulation of the Orientals (mostly shopkeepers) who had settled in the Republic,

[1] Footnotes in the text are as in the original.

and asked for an expression of the opinion of His Majesty's Government as to whether, under Article 14 referred to, such legislation would be considered *intra vires*.

Sir Hercules Robinson, then High Commissioner, endorsed the State Secretary's letter with a recommendation that Article 14 aforesaid should be amended by the substitution for the word "natives" of the words "*African natives or Chinese coolie immigrants*", the idea being to safeguard the interests of the "Arab" traders already established, leaving the Republic free to legislate for Asiatics of an inferior class such as coolie immigrants. Eventually, the South African Republic passed LAW 3 OF 1885, SUBSEQUENTLY AMENDED IN 1886, which applied to "the persons belonging to one of the aboriginal races of Asia", they being thereby:

(a) Required to pay a fee of £3 for the privilege of trading or residing in the Republic;

(b) Precluded [from] the exercise of burger rights;

(c) Forbidden to hold fixed property registered in their names;

(d) Liable to reside only in such streets, wards, and locations as might be indicated.

Soon complaints were heard from the British Indian trading community, the South African Republic claiming to apply the law to all Asiatics within the Republic *without distinction*. It is practically certain that there has never been any immigration of Indian coolies proper into the Transvaal. Law 3 of 1885 could, therefore, only have been conceived with an eye to its application to the "Arab" trader, and it becomes evident that, in assenting to the above proposal of January 6, the Imperial Government and the Government of the Republic were not *ad idem*.

Representations by the Imperial Government that the interpretation of Law 3 constituted a violation of the agreement under which the Imperial Government had assented to the passing of the law, as well as a contravention of the London Convention, resulted in a compromise, the words "for sanitary purposes" being added as a qualification of the clause referring to the residence in streets, wards, and locations, and the right to hold fixed property in such streets, &c., so appointed, "for sanitary purposes", being conceded. *But here, again, "His Majesty's Government understood that the law, even as amended, was a sanitary measure, and consequently would not apply to traders and other persons of a superior mode of life, but to coolies only."** They accordingly accepted the amended law, and waived the point about the contravention of Article 14 of the London Convention.

The Government of the Republic maintained, however, that the law should apply to *all Asiatics alike*, and, therefore, interpreted the phrase "residence" to include trade as well as private dwellings. Further negotiations between the two Governments resulted in a reference to arbitration, the outcome of which was an Award, deciding that the Government of the Republic was entitled to give full force and effect to the law under discussion, "subject to sole and exclusive interpretation in the ordinary course by the tribunals of the country". This Award was accepted, in so far as it was taken to have "closed the legal and international question in dispute" between the

* Mr. Lyttelton to Viscount Milner, July 20, 1904, C.D. 2,239

two Governments. But Mr. Chamberlain expressly reserved to himself the liberty to make friendly representations to the Government of the Republic on behalf of the Indian traders, with whom he expressed sympathy, and possibly to invite the Government of the Republic

> "To consider whether...it would not be wise to review the situation from a new point of view, and decide whether it would not be better, in the interest of its own burghers, to treat the Indians more generously, and to free itself from even the appearance of countenancing a trade jealousy, which he had some reasons to believe did not emanate from the governing class in the Republic."*

In 1898 the Supreme Court of the Transvaal interpreted "residence" to include trade, Tajob Hadji Mahomed Khan, a British Indian, receiving notice to leave Pretoria as a residence and place of business, and this, by implication, applying to all British Indians without distinction.

Further correspondence passed between the two Governments, the efforts of the Transvaal Government being obviously directed towards legislation based upon considerations of colour, as indicated by the proposal to include in the operation of Law 3 "Cape coloured persons as well as Asiatics", those of the Imperial Government being characterised by a desire to preserve from the degrading effects of the law all who were not mere coolies. In the words of Mr. Lyttelton:

> "Up to the outbreak of war, therefore, the British Government had steadily maintained, at first as a matter of right, and subsequently to the Award of 1895 by diplomatic persuasion, the interests of British Indians resident in the Transvaal, and the treatment of these fellow-subjects formed part of the British case against the late South African Republic."*

The manner in which the differential legislation against the resident British Indian community of the Transvaal was regarded by other prominent statesmen may be gathered from the now historic utterances of Lords Lansdowne and Selborne. In view of more recent legislation in the new Transvaal Colony, the words may well bear repetition. Speaking at Sheffield in 1899, the Marquis of Lansdowne said:

> "A considerable number of the Queen's Indian subjects are to be found in the Transvaal, and among the many misdeeds of the South African Republic. I do not know that any fills me with more indignation than its treatment of those Indians. And the harm is not confined to the sufferers on the spot; for what do you imagine would be the effect produced in India when these poor people return to their country to report to their friends that the Government of the Empress, so mighty and irresistible in India, with its population of three hundred millions, is powerless to secure redress at the hands of a small South African State?"

Lord Selborne's views are no less impressive:

> "Was it, or was it not," asked his Lordship, "our duty to see that our dusky fellow-subjects in the Transvaal, where they had a perfect right to go, should be treated as the Queen in our name had promised they should be treated?

* Mr. Lyttelton to Viscount Milner, previously cited

If they agreed with him, and admitted that these were questions which we had to answer, as trustees before our fellow-countrymen and before history, then they would agree with him also that the path of duty was to be ruled, not by sentiment, but by plain facts. . . . We were trustees for our brothers all over the world. . . . Trustees also for our fellow-subjects of different races and different colours. . . . For all these, and the unborn children of these. Therefore the test we had to apply in an emergency like this was the simple test of duty. Was it, or was it not, our duty to see that the rights and the future interests of those he had named should be maintained?. . . Was the British Government going to make its name respected, and to have the pledges given by it faithfully observed? Was it going to see that the British subject, wherever he went all over the world, whether he were white or black, was to have the rights which his Queen had secured for him?"

It should, however, be borne in mind that under the Government of the Republic Law 3 was so mildly administered as to be virtually inoperative. Where the £3 fee was tendered, a receipt was, of course, given, and "registration" consisted in recording such payment, but no serious effort was made *to enforce* it. In any event, it was required only from traders, and not even in all cases from them. Most important, however, especially in view of the present "registration" controversy, is the fact that although the term "registration" was used in regard to the payment and receipt of this £3 fee, the transaction in no wise partook of the nature of personal identification, which is an entirely new development, arisen only since the annexation. There was, moreover, no restriction upon Asiatic immigration save this loosely imposed £3 payment. In this connection the report of Captain Hamilton Fowle, Registrar of Asiatics in 1903, is instructive. The report states:

"That, with three exceptions, no Asiatic registers or records compiled by the late Boer Government (if such records ever were kept) were found in any district."

It is not surprising that Transvaal British Indians, the majority of whom were, of course, compelled to leave the country during the war, confidently looked forward to the repeal of Law 3 as soon as the British flag should float over Pretoria. True, the fact of their British citizenship had operated to protect them against many of the logical consequences of the Boer legislation, but Law 3 nevertheless irked, because it branded them as inferiors, and reduced them, if only theoretically, to a status lower than that enjoyed by them in the neighbouring colonies of the Cape and Natal, whence many of them had come.

Whilst the section of Law 3 of 1885 precluding Indians from acquiring burger rights was, of course, rigidly adhered to, their liability to relegation to such streets, wards, and locations as might be indicated was under the Government of the Republic never enforced.

Since the Annexation

The earliest consequences to British Indians of the annexation of the Transvaal were the exclusion of Asiatic immigrants who could not satisfy the authorities that

they were *bona fide* pre-war residents. In 1902, a measure styled the Peace Preservation Ordinance (38 of 1902 amended by 5 of 1903) was enacted by the new Government for the "maintenance of good order and government and public safety". Martial law had been withdrawn, and the new Ordinance was directed against sedition and treason. The amendment in 1903 required permits to be held by all entrants to the colony. The stipulation that such permits were not to be granted to burghers failing to take the oath of allegiance sufficiently indicates the purpose of the Ordinance. The new law was applied, however, as an Indian Immigration Restriction Act. For the first time in the history of the country, an Asiatic department was established. Abuse and corruption in the issue of permits resulting in the trial of two chief officials were followed by the abolition of the Asiatic department, the transfer of its business to the Chief Secretary for Permits, and the eventual appointment of an officer styled Protector of Asiatics. In 1902 the High Commissioner telegraphed to the Secretary of State for the Colonies certain formal proposals of the Government of the Transvaal, which included the taking out of a certificate of registration by all Asiatics, whether then resident in the Transvaal or subsequently entering it, which certificate should be annually renewable at a charge of £3; relegation of such registered Asiatics to special locations set apart for them for purposes of trade and residence (unless living with a European employer); the exemption from registration in the case of educated and civilised Asiatics; the right of Asiatics to acquire and hold real property in town areas. To these proposals the Secretary of State for the Colonies replied that:

> "It was impossible to defend what would practically be a continuance of the system of the South African Republic, against which His Majesty's Government had so strongly and repeatedly protested."*

In 1903 certain proposals were made by the Government of the Transvaal for the importation of 10,000 coolies from India, to which the Government of India promised acquiescence, provided that existing disabilities affecting Indians already resident in the Transvaal were removed.

In the same year a further dispatch was sent by the High Commissioner to the Secretary of State for the Colonies, enclosing a copy of the Government Notice, to the effect that the Government had resolved to put into practice that section of the Boer Law 3 of 1885 dealing with the relegation of Asiatics to special streets, wards, and locations in which alone Asiatics might reside and trade; that licences to trade elsewhere than in such locations should be refused Asiatics; that Asiatics who had held licences for trade outside bazaars at the beginning of the war might be granted renewals of such licences under the same conditions during their residence in the colony, *but the licences should not be transferable;* "that the educated and respectable Asiatics should be exempted from all such restrictions". These modifications of existing disabilities were obviously directed towards satisfying the Indian Government, and inducing the latter to assent to the importation of the coolie labour required for the Transvaal public works. The Transvaal Government further proposed that immigration should be regulated by a law similar to those in force in the Cape and Natal, and to admit Indian as well

* Mr. Lyttelton to Viscount Milner, previously cited

as European languages in the education test to be imposed under the Act. This suggestion emanated from the Indian Government. On further consideration, however, the Government of the Transvaal retracted, and eventually opposed, the last proposal. They suggested by way of [an] alternative:

(a) An Immigration Restriction Law on the lines of the similar Cape and Natal Acts, providing, *inter alia,* an education test for would-be immigrants, for the purposes of which Indian languages should not be accepted;

(b) A measure dealing with Indians on the lines of the Government Notice (No. 356 of 1903), above referred to, providing:

(1) Those Asiatics who satisfied the Colonial Secretary of the Colony that their mode of living is in accordance with European ideas should be allowed to live with their servants, outside locations, but not to trade outside locations unless they fall under (2);

(2) That those Asiatics who had established business outside locations before the war should not be disturbed;

(3) That with the two exceptions mentioned above, all Asiatics should be required to live and trade in locations, and should be prohibited from holding land outside. This provision not to apply to land now set aside and used for religious purposes;

(4) All Asiatics entering the Transvaal, unless specially exempted, to take out a certificate of registration at a charge of £3;

(5) No restriction to be put on the issue of hawkers' licences, provided that the Immigration Law referred to above is passed.

In reply, the Secretary of State for the Colonies drew a distinction between those British Indians already resident in the Transvaal and would-be immigrants. He deprecated all save rational precautions for the safeguarding of public health and pointed out that:

"An apprehended trade competition from the British Indians now in the country, whose number is now comparatively small, and will, under the proposed restrictions on immigration, be in a diminishing proportion, cannot be accepted as sufficient reason for the legislation proposed. His Majesty's Government have steadily declined to allow this fear to influence their views in the past. On the contrary, for many years they repeatedly protested before the Empire and the civilised world against the policy and laws of the late South African Republic in relation to this subject. Those laws were, indeed, only partially enforced, while His Majesty's Government is now asked not merely to sanction their strict enforcement, but to set aside by legislation the judgment of the Supreme Court, which has given to the British Indian rights for which His Majesty's Government have strenuously contended. . . .His Majesty's Government hold that it is derogatory to national honour to impose on resident British subjects disabilities against which we had remonstrated, and to which even the law of the late South African Republic, rightly interpreted, did not subject them, and they do not doubt that when this is perceived, the public opinion of the colony will not any longer support the demand which has been put forward.

"The second Ordinance proposed, which will take the place of Law 3 of 1885, should, therefore, not interfere with the rights of those now in the country to obtain licences to trade outside locations....With regard to the question of the holding of land, British Indians who are entitled to reside outside locations must at least have the right to acquire property on the premises which they occupy for business purposes."

With respect to the second—future immigrants—he added:

"His Majesty's Government, deeply as they regret the necessity of hindering the free movements of British Indians within the Empire, feel that they are unable to withdraw their sanction to the immediate introduction into the Legislative Council of the Transvaal of a measure restricting immigration on the lines of those Acts....It seems certain that those who still come in under the proposed Immigration Restriction Ordinance, and they should be very few, will not be Asiatics of a low class, and will not, therefore, be such persons as might properly be required, for *sanitary reasons,* to reside in a special location. I am of opinion that until it is proved that the Immigration Restriction Ordinance has failed to limit the influx to a minimum as it is expected to do, and in view of the absence of any legislation of the kind in the Cape Colony or Natal, the Ordinance to be passed in the present session should not limit the right of newcomers in respect of trade."*

It may be necessary to explain that towards the end of 1903 Habib Motan, a Pretoria merchant, had successfully contested the construction that had previously been placed upon Law 3 of 1885 in respect of the term "residence". The effect of the new decision was to entitle Asiatics to trade (but not reside) outside of locations.

In the same year the Government of the Transvaal decided to strictly enforce the section of Law 3 of 1885 requiring the payment of the £3 entrance fee, with the result that £16,743 were collected from 5,066 Indians and 515 Chinese, who were unable to satisfy the authorities that they had previously paid the fee to the Government of the Republic. Re-registration of the whole Asiatic community was likewise determined upon, against which, however, British Indians protested, claiming that they had already fulfilled the requirements of the law. The High Commissioner advised them, however, not to press their objections. He assured them that registration was a protection to them, and added that:

"Once on the register, their position was established, and that no further registration would be necessary, nor a fresh permit required. That registration gives you a right to be here, and a right to come and go."

Always anxious to conciliate, and with characteristic trust in the pledge of so high an authority, the British Indian community complied. The new certificates issued contained the names of the holders, place of birth and occupation, last address and signature, their wives, number of children, age of the holders, their distinctive marks and thumb prints.

* Mr. Lyttelton to Viscount Milner, previously cited

Thus "registration" now first became a device for the identification of Asiatics, including British Indians, but it was as yet voluntary registration, and not imposed by differential legislation, as has since been done in the form of the Asiatic Law Amendment Act of 1907.

The Asiatic Law Amendment Ordinance (No. 29 of 1906), subsequently re-enacted by the Responsible Government of the Transvaal, was the next step towards the reduction of the British Indian status. Under it, sub-section C of Article 2 of the Boer Law 3 of 1885, dealing with the registration of Asiatics, is repealed. This section had required only such "Asiatics"—being persons belonging to any of the native races of Asia, including the so-called coolies, Arabs, Malays, and Mahomedan subjects of the Turkish dominion—to "register" as chose to "settle in the Republic for the purpose of carrying on any trade or otherwise", such "registration" to be effected within eight days after arrival, and to be effected free of charge in the case of those persons who settled in the Republic before the coming into operation of this law. There was thus no restriction upon "Asiatic" immigration, but merely a requirement, if the immigrant decided to settle, to pay a £3 fee, and so "enregister". The repeal of this sub-section disposed of the implied right of Asiatics to enter the Transvaal in consideration of such payment. The Peace Preservation Ordinance, it may be remembered, had, since British occupation, been effectually employed to exclude Asiatic immigrants as undesirables.

The Act of 1907 now compels every Asiatic lawfully resident in the colony to present himself afresh for registration, to satisfy the Registrar of Asiatics of his title to be in the colony, and, if successful, to submit to a personal examination prescribed under the regulations appended to the law of a character so offensive in detail as to have precipitated this hitherto submissive people into open revolt. An applicant is required to give his full name, race, caste or sect, age, physical description, residence, occupation, place of birth, date of first arrival in the Transvaal, where resident on May 31, 1902, father's and mother's name, wife's name, sons and male wards under the age of eight years, their names, age, and relationship with their guardian. In addition, he is required to give the impressions of his thumb, index, middle, ring, and little fingers of both hands, and simultaneous impressions of the four fingers on each hand. It follows that existing titles of Asiatic residents obtained under the Transvaal Government, and reassured in 1903 by Lord Milner, are summarily invalidated, and the burden of re-establishing them is thrown upon their holders. Registration certificates *voluntarily* taken out under advice of the High Commissioner must be surrendered in exchange for other certificates, which must be carried on the person of every Asiatic of the age of sixteen years or over, and must be produced on demand made upon him by any member of a police force lawfully established in the colony or by any other person authorised by the Colonial Secretary. Registration is compulsory in respect of all lawfully resident Asiatics from eight years of age upwards, and failure on the part of the guardian of every such child under sixteen involves liability to a fine of £100, or three months' imprisonment, with hard labour. The British Indians of the colony complain that the reduction of status suffered by them through the differential legislation of the Government of the Transvaal Republic was as nothing compared

with the degradation to which they are now subjected under this law enacted in a British Colony. They point out that it brands them for all time as inferiors, as undesirables, and as being so untrustworthy as to require the identification and supervision peculiar to suspects and criminals. Be it remembered that the Act applies to "Asiatics" *lawfully resident in the colony*, and that only such Asiatics as were established in the Transvaal before the annexation are "lawful residents". The measure was explained by its framers as necessary on the ground of an alleged considerable unlawful influx of Indians into the country. No satisfactory evidence of any such considerable influx has so far been adduced. When towards the close of 1903 the then Registrar of Asiatics, Captain Hamilton Fowle, was formally interpellated as to such alleged unlawful influx, he replied that "there is no reason to believe that Asiatics are entering the colony without authority". He further pointed out that while early in 1903 a large number of Asiatics did succeed in entering the colony without the necessary authority, they were soon arrested and sent over the border, and added, "it is practically impossible for any unauthorised Asiatic to remain in the colony for any length of time without being detected". The more recent Chamney report consists of vague and unconvincing allegations of surreptitious entry, and is transparently inspired with a view to justifying the introduction about that time of the Ordinance. Shortly, it indicates that "during the year ending December 31, 1906, 876 male Asiatics entered or were found in the colony without permits legally held by them". It is not denied that these "unlawful immigrants" may have entered at any time during the four years since 1902, and it is significant that only 215 of such cases were charged and convicted before the magistrates.

The outcry of "considerable unlawful influx", supplemented by charges of collusion between resident Asiatics and others desirous of smuggling [themselves] into the country, was met by repeated appeals from the leaders of the Indian community to appoint a Commission of Enquiry, and thereby once and for all to set any actual doubts at rest. For some unexplained reason this very sensible suggestion has been persistently ignored.

In judging of the necessity and adequacy of the new Registration Act, it must be remembered that the Peace Preservation Ordinance, by means of which Captain Hamilton Fowle was enabled to effectually exclude fresh Asiatic immigration, is still in operation, and heavily penalises trespassers. Asiatic applicants for re-admission are detained outside the colony pending the strictest investigation of their right to re-enter. If, for argument's sake, there have been any such considerable infiltration as alleged, the new Registration Act provides no additional machinery for intercepting it. The Act concerns itself with the branding only of lawfully resident Asiatics. The utmost extent to which it can possibly affect the unauthorised entrant is to discover him after he has smuggled [himself] into the country; but this assumes that the delinquent will respond to the invitation to present himself for identification. If he should fail so to do, the Registration Act is no more capable of detecting him than was the Peace Preservation Ordinance, and the only weapon then left is the refusal of trading licences to non-holders of the new registration certificate. Thus it will be seen that the body of the lawfully resident Indians—merchants, small traders, laundrymen, &c.—of good reputation and long standing in the country are to be branded with the

bar sinister of inferiority and reduced to the status of ticket-of-leave criminals, ostensibly in order that a few smugglers may be unearthed. The innocent are to suffer to facilitate the discovery of suspected guilt.

The prominence given to the humiliating regulations appended to the Act by way of illustrating its true character has been used to distract attention from the main British Indian contention. Ridicule has been cast upon an exaggerated sentimentalism which takes umbrage at a mere requirement to impress digit imprints upon a sheet of paper. Whilst lawyers, doctors, merchants of repute and long standing, and, for that matter, hawkers of good character might not unreasonably regard identification of so offensively minute and personal a character as casting the gravest aspersion upon their honesty and good fame, it cannot be made too clear that the regulations themselves, however repugnant, are regarded merely as an incidental, and that the root of the objection taken by British Indians is not to the details of its administration, but to the Act itself. As previously stated, submission to the Act is regarded by the Indians as involving communal degradation arising out of the compulsory statutory branding of this one particular section of the British community. Mr. Essop Ismail Mia, Chairman of the Transvaal British Indian Association, thus concisely states the case:

> "The attitude of my Association would not have been in any way altered had signatures been substituted for finger-prints. It is the sting of compulsion running throughout the Act that offends and bears so heavily on the community. . . .It is not the fact of the penalty or the severity of it that is resented, but the *underlying assumption that Indians as a class are capable of impersonation and fraudulently bringing unauthorised immigrants into the country* that is most strongly, and I think rightly, objected to. . . .Knowing well that British Indians as a class have not been guilty of the practices above described, they manfully struggle to avoid the presumption which the Act has made tacitly, and which the framers of the law publicly declare as their conviction."

It is in defence of this principle—in order to preserve their individual and communal self-respect—that practically 13,000 loyal subjects of His Imperial Majesty stand solemnly pledged to go to gaol and submit to the loss of worldly possessions, and even liberty itself. Could any more eloquent reply be returned to the taunt so often flung, that the Indian has no soul above his shop and his profits?

THE IMMIGRATION RESTRICTION BILL constitutes the latest Transvaal product in the way of anti-Asiatic legislation. The incongruity of retaining the Peace Preservation Ordinance, enacted for the "maintenance of good order and government and public safety in view of the withdrawal of martial law", on the Statute Book of a British colony now ruled by Ministers, who but recently were in arms against us, necessitated its early repeal. This is effected by section (1) of the Immigrants' Restriction Bill, but the section concludes with the following significant proviso:

> "No such repeal shall affect or abridge any powers or jurisdiction by the Asiatic Law Amendment Act, 1907, conferred for the purpose of carrying out such Act, but the said Ordinance shall for all the purposes of such Act be deemed to remain of full force and effect."

In other words, the terms of the Peace Preservation Ordinance are preserved for exclusive application to Asiatics.

The Bill gives permanence to the Registration Law. It disregards the right of residence of those British Indians who settled in the Transvaal before the war, and in many cases even paid £3 as the price of such residence under Law 3 of 1885, but who have for some reason or other not yet returned to the country.

In defining the qualifications for immigration into the country, it excludes by way of educational test all save European languages and Yiddish.

It requires even Indian applicants for admission who may pass the test prescribed by the Bill to enregister in terms of the Asiatic Law Amendment Act, the registration regulations of which were ostensibly framed because of the assumed illiteracy of the majority of the Asiatics residing in the colony.

It is argued with no little reason by the opponents of the Bill that Indians with a sufficient knowledge of a European language to pass the educational test carry on their persons sufficient marks of identification, and that since it is hardly conceivable that any Indian of liberal education will ever accept its terms, this requirement is but an indirect mode of depriving Indians of the benefit of the education clause of the Bill, and thus of barring their admittance into the country.

The Bill makes no provision for facilities to Indian merchants already settled in the Transvaal for importing clerks, assistants, and servants necessary for the conduct of their business and households. Sub-section (C) of section (6) is remarkable as constituting a subtle attempt to indirectly amend the Asiatic Law Amendment Act. The latter provides for the fine and imprisonment of recalcitrant Asiatics, followed by notice to remove from the colony. Similarly, the Peace Preservation Ordinance empowers the issue of such notice to leave. Sub-section (C) of this Bill takes an important step in advance of either. It confers upon the local Government power to *physically and forcibly deport* at his own expense any person disregarding the notice of removal under the Asiatic Law Amendment Act. Due appreciation of the character of this measure would be impossible without a brief notice of the definition of the term in the Bill, "prohibited immigrant". Asiatics incapable of writing from dictation or otherwise in a *European language* are classed among illiterates, paupers, prostitutes, and similar characters, as well as any person who, did he enter the colony, "would be liable to any law in force at such date which might render him liable if found therein to be removed from, or to be ordered to leave the colony, whether on conviction of an offence against such law *or for failure to comply with its provisions or otherwise*". Finally, section (6) of the Bill makes a "prohibited immigrant", and, as such, liable to forcible deportation, "any person who is deemed by the Minister on reasonable grounds to be dangerous to the peace, order and good government of the colony, if he remain therein".

It is objected, not without some show of reason, that the last-mentioned provisions are directed against passive resisters of the Asiatic Law Amendment Act and their leaders.

It is prudently provided that the victims of this measure shall be liable to pay all expenditure incurred by the Government in carrying out such removal, whether

from the colony or South Africa, or in the detention in the colony or elsewhere of any person pending his removal, the amount of such expenditure, on production to the Sheriff of the certificate of an officer of the Department setting out the items and total amount of such expenditure, to be recoverable by execution levied on the property in the colony of the person so liable, in manner provided for execution levied under a judgment of the Supreme Court.

THE *Raison D'etre*

If it be asked what is the motive force behind this rabid antagonism towards respectable British Asiatics, there can be but one reply. A survey of the legislation from 1885 to date, and of all that has been said and written on the subject, must make it abundantly clear that the outcry is first and foremost an ebullition of trade jealousy. It will have been observed that, right along, the point of attack has been the trading licences. The legislators of the Republic were prompted to enact Law 3 of 1885 by European shopkeepers anxious to be rid of defenceless rivals. High above all the clamour of the "White Leaguers" of Boksburg, Krugersdorp, Potchefstroom, and similar dorps resounds the cry of "no coolie licences!" The attempt during 1903 to relegate Asiatics to bazaars was virtually abandoned, after the test case of Habib Motan *v.* the Transvaal Government had established the right of Asiatics to trade outside of bazaars and locations. The new Registration Act threatens non-renewal of trading licences to Asiatics failing to comply with its provisions.

Trade rivalry, however, might in itself have proved insufficient to move the Legislature to action. Colour prejudice, seemingly indigenous to South Africa, has, therefore, been appealed to. Colonial imagination has been inflamed by hinting at the danger of complicating an already difficult situation by the presence of a permanent Asiatic element in addition to the existing coloured population. This argument has apparently sufficed to justify the jettisoning of pre-war pledges and obligations, and the consequent immolation of the small British Indian population upon the altar of a cheap expediency. A voiceless minority numbering less than 5 per cent. of the white population of the Transvaal, unrepresented either municipally or politically, their modest claim to reasonable treatment as civilised citizens of the Empire has been ruthlessly disregarded. The hopes and promises held out to them in the pre-war days by professed champions of their cause are, according to Sir Arthur Lawley, now more righteously broken than kept.

It has been urged in extenuation of the anti-Indian legislation that it has the unanimous assent of the whole white population. The assertion is, however, open to serious question. It is submitted, on the other side, that only those who for selfish reasons are themselves interested in the riddance of the Indian competitor have committed themselves to any definite expression of opinion. Some have refrained from a desire to be on the winning side—the great majority, the mining and mechanic classes, from sheer indifference. But even granting such unanimous consent, can it be seriously contended that the pre-war pledges and promises, express and implied, to which this country stands committed, are to be incontinently abandoned, and that one section of the Transvaal community—the weaker—is, under the protection of our own flag,

to be ruthlessly down-trodden and stripped of every vestige of status at the behest of the other and stronger?

A detailed examination of the allegations made by those who clamour for the expulsion of the Asiatic would be interesting, were it possible within the scope of this small work. They include such pleas as "the reduction of the standard of living" and "unfair competition"; that "the Asiatic does not blend with the European colonists, and consequently can never be built into the body of the nation". It may be briefly remarked, as to the former, that the British Indian does not compete with the labouring classes of the Transvaal, nor are there any Indian coolies in this colony. The shop-keepers and traders who comprise the majority of the Asiatic population, 88½ per cent. of whom are British Indians, are, it is true shrewd business men, patient, persevering, and industrious; but, like their white rivals, they have rent and taxes to pay; they circulate the bulk of their receipts locally among the wholesale importers (Europeans), and not infrequently engage the services of medical men, lawyers, mechanics, &c. True, they are abstemious, especially in the matter of liquor, live a comparatively retired life, and do not dissipate their substance. Their trade lies chiefly with the poorer section of the community, and it is admitted that their competition has had the effect of keeping down the cost of the necessaries of life.

That the Indian lives meanly is a foolish misunderstanding, due to the inability of the average Western to appreciate the niceties of Oriental dietary. Comparisons in such matters are particularly odious, and not infrequently dangerous to those venturing to draw them. A more intimate acquaintance with the facts would show that Indian feeding is anything but inexpensive. One might, perhaps, fairly enquire whether the standard of comfort of even the humblest Indian hawker is inferior to that of the unhappily large body of poor whites, *bijwoners*, and of Syrians, and raw Russians, the latter of whom are not inconsiderable competitors of the older white traders. Nor can it be denied that Indian stores compare favourably in every way with those of their European neighbours. The integrity and high standing of the Indian with the merchants with whom he trades are admittedly unassailable. His habits have been attacked as unsanitary. The author has enjoyed exceptional opportunities of convincing himself of the falsehood of this aspersion. During the plague of 1903-4 this cry was raised with especial vehemence, and in sheer self-protection it became necessary to obtain impartial inspection by independent medical experts. Their certificates proved conclusively that the structure and general arrangement of Indians' shops and dwellings were, if anything, superior to the average. True, the old location on the fringe of Johannesburg, since destroyed, had been so shamefully neglected in the matter of sanitary service by the responsible authorities, that it had indeed become a veritable plague spot. The eradication of the plague was, however, very largely due to the untiring efforts, the sacrifices, and the co-operation of the Indians resident therein.

As to the plea that the Indian will not blend with the rest of the community, what is this but a re-statement of the old fable of the boy who stoned the toad as a punishment for its being a toad? The Indian of the Transvaal is branded a pariah by statute; he is treated as such in practice; regardless of the obvious terminological inexactitude, he is indiscriminately dubbed "coolie". One hears even in official circles

such expressions as coolie lawyer coolie doctor coolie merchant His women are coolie Marys As has been already shown he is accorded no place in the scheme of things save on sufferance He may not even own fixed property although curiously he may be a mortgagee of such He is even denied the not always obvious privilege of riding in the same municipal tramcars and Government railway carriages as his white fellow colonists His children are afforded no facilities for education except they attend the schools set apart for Kaffirs Could there be less encouragement for the Indian to blend and to associate himself more closely with the larger life of the community?

It is difficult to escape from the conclusion that the head and front of [the] Indian offending lies in the fact that he possesses a superabundance of those characteristics which if found in his detractor would be regarded as virtues to be extolled and emulated Unhappily for his peace and safety the Indian in South Africa is not content to remain the mere hewer of wood and drawer of water Even despite the disadvantages of his environment he succeeds in raising himself from lowly beginnings to comparative affluence Not infrequently he is able to send his sons to our Universities Here then are the real elements of his offending He presumes beyond his station Were he but content to furnish unskilled labour or to earn dividends for his white fellow colonist spending his earnings so that his labour would remain a continuing quantity not only would his presence be welcome but no praise would be too high to be lavished upon him If this be doubted observe how in the neighbouring colony of Natal while the outcry against the better class Indians grows in volume the Government of the colony steadily declines to abolish the importation of Indian coolie labour

Compared with the claims urged on their behalf by responsible English Ministers against the Government of the Transvaal Republic the demands of this handful of our Indian fellow subjects established in the Transvaal colony are pathetically modest In deference to the prejudices of their white fellow colonists they do not press for either the municipal or political franchise With a breadth of view worthy of more sympathetic appreciation the Indian recognises the difficulties incidental to the Government by a small white minority of a vast native population He is consequently agreeable to leave the control of the colony to white heads and hands All that the Indian asks for is to be treated with the respect and consideration due to a civilised albeit coloured citizen of the Empire to be protected from insult humiliation and spoliation He does not claim that a young colony should throw its doors open to an indiscriminate Asiatic influx He contends however that the educational test imposed upon prospective immigrants should be reasonable and not pointedly directed against Indians He claims for instance that Hindustani and Gujarati should be placed on at least an equal footing with Yiddish He does however demand as an elementary right that lawfully resident Indians should be preserved from differential legislation based upon a presupposition of their inherent inferiority and even criminality He concedes the right of municipalities to regulate and restrict the issue of trading licences and to impose the most stringent sanitary regulations but he asks on what ground should his inability to become the owner of fixed property be perpetuated Why for instance may he not purchase the premises in which his business is conducted? Tramway and railway

regulations excluding him from the use of cars and carriages used by whites, byelaws denying him the use of sidewalks, are surely unworthy of a British colony. Even in the matter of registration, the Indian has, with characteristic willingness to conciliate, proffered a compromise. Since so much importance has been attached by the Transvaal Government to re-registration of its Asiatic population, and in order to prove *bona fides*, the Indian community have offered to come forward and re-register voluntarily. They are prepared to surrender the titles they hold in exchange for other certificates, and even to give the all-important digit imprints. They further suggest that the Government might subsequently pass a short Act recognising the validity only of such new certificates as have been issued in this way.

The difference between this suggested compromise and re-registration in terms of the Act cannot but be sufficiently obvious. Voluntary registration would be devoid of the sting of compulsion, and would constitute an act of grace, performed by the Asiatic community in deference to white sentiment, which in course of time might undergo conversion. Compulsory registration is recognised as signifying nothing less than the reduction of British Indians to the status of the Kaffir; as being more than likely of adoption as a precedent for anti-Indian legislation by the neighbouring colonies; and as a probable prelude to compulsory segregation in coloured locations.

A brief *resume*, in the form of a table of comparisons between the British Indian position under the Boer Republic and since the annexation, may not be out of place, and cannot but be instructive.

UNDER THE BOER *Regime*	SINCE BRITISH ANNEXATION
Asiatics might freely enter the Republic and subsequent to 1885 might reside and trade on payment of a £3 tax.	Only such Asiatics as could prove pre-war residence have been readmitted.
"Registration" required by Law 3 of 1885 (amended in 1886) did not include identification particulars. It consisted merely of the payment of the £3 fee and the holding of the receipt therefor.	"Registration" voluntarily assented to by Asiatics in 1903, under advice of Lord Milner, included very full identification particulars. Re-registration under the Act of 1907 *is compulsory* and additionally humiliating in details. It applies to all children from eight years of age upwards. Failure to re-register entails fine, imprisonment, and expulsion.
Asiatics were denied burger rights.	Asiatics, including British Indians, are excluded from both political and municipal privileges.
Asiatics might not own fixed property.	This is still the case.
Asiatics were liable to be relegated to streets, wards, and locations specially set apart for that purpose.	Asiatics, including British Indians, are still so liable, and are already threatened with such segregation.

Whereas Law 3 imposing the above disabilities was virtually inoperative, British Indians being protected by His Majesty's Government.	Since the annexation, and more especially since the grant of responsible Government, British Indians have failed to secure such Imperial protection.
Responsible English Ministers claimed for British Indians the equal rights of civilised subjects of the Empire. The British Government virtually pledged itself to the reinstatement in their just rights of Transvaal British Indians.	The British Government has apparently abandoned the self-same Indians who resided in the colony prior to its annexation to the tyranny of trade rivals, and of a Government largely composed of legislators who were responsible for the Boer Law 3 of 1885.
British Indian protests against the Boer Law were supported by the Imperial Government, and the insistence by the Republic of its right to legislate indiscriminately against Asiatics within its borders figured prominently in the causes that led up to the war.	The passive resistance by British Indians to the new Registration Act will, according to the threats of the Colonial Government, result in their expulsion from the colony. The Immigrants' Restriction Act will confer the necessary powers.
Generally, while theoretically British Indians were placed under the above disabilities, in practice the law was not strictly enforced.	The restrictions upon the freedom of British Indians have been enforced with the utmost rigour, and the absence of a penalty clause to Law 3 of 1885 has alone saved the Indians from its worst consequences.

In conclusion, the temptation to point a moral and to reflect upon the inconsistency of pre-war promises with post-war performances will readily be appreciated. Apart from the duty of a Government enjoying a powerful majority to protect the interests of a wholly unrepresented coloured minority, there arises the seductive question of the obligation of every member of the Imperial family to subordinate merely local interests, not to say predilections or prejudices, to the welfare of the Empire at large. It must, however, suffice here to point out how far such considerations have apparently failed to occupy any place in the policy of the Transvaal, which, with a population of barely a quarter of a million whites, has not hesitated to endanger Imperial authority and prestige by heaping indignity upon indignity upon representatives of the three hundred millions of India.

India Office Records: J. &. P. 3927/07

SOURCES

COLONIAL OFFICE RECORDS: Housed in the Library of the Colonial Office, London. *Vide* Vol. I, p. 349.

GANDHI SMARAK SANGRAHALAYA, NEW DELHI: Central Museum and Library of Gandhian literature and documents. *Vide* Vol. I, p. 349.

INDIA OFFICE JUDICIAL AND PUBLIC RECORDS: Placed in the Library of what used to be India Office, these comprise papers and documents relating to Indian matters with which the Secretary of State for India was concerned.

Indian Opinion (1903-61): Weekly journal, of which Gandhiji was virtually editor till 1914, when he left South Africa. Had English and Gujarati sections and also, initially, Hindi and Tamil.

NATAL ARCHIVES: Records of the Government of South Africa in Pietermaritzburg.

PRETORIA ARCHIVES: Records of the Government of South Africa in Pretoria, including among others, Prime Minister's Archives and Transvaal Governor's Archives.

Rand Daily Mail: Daily newspaper of Johannesburg.

SABARMATI SANGRAHALAYA, AHMEDABAD: Library and records containing documents relating to Gandhiji's South African period and Indian period up to 1933. *Vide* Vol. I, p. 349.

The Star: Evening daily published from Johannesburg.

The Transvaal Leader: Daily newspaper published from Johannesburg.

CHRONOLOGY

(*June – December 1907*)

June 1: Gandhiji attended meeting of British Indian Association which decided to send deputation to Prime Minister, General Botha, to urge acceptance of compromise proposal.

June 4: Botha declined to meet deputation.

June 6: Secretary of State for India, John Morley, indicated in Commons nature of proposed constitutional reforms in India.

June 8: Transvaal *Government Gazette* announced Royal assent to Asiatic Registration Act.

June 14: Second session of Transvaal Parliament commenced.

June 28: Gandhiji, in interview to *Rand Daily Mail*, declared determination of Indians not to submit to Act.

June 29: Spoke at Indian meeting in Volksrust to protest against Act.

June 30: Addressed Indian meeting at Pretoria on implications of Act.

July 1: Act enforced in Pretoria. First permit office opened. Indians notified to register within month. Campaign against registration started.

Gandhiji addressed mass meeting; wrote to *Rand Daily Mail* that Indians in Pretoria would not submit to compulsory re-registration irrespective of consequences.

July 2: Spoke at Volksrust meeting which resolved to adhere to gaol resolution.

July 3: Immigration Restriction Bill published.

July 4: Gandhiji wrote to *The Star* condemning Immigration Bill.

July 6: Wrote to *Rand Daily Mail* that Indians would rather sacrifice everything than submit to Act.

July 7: Spoke at meeting in Pretoria.

July 8: Transvaal Registration Bill granted Return by Commons.

July 9: British Indian Association submitted petition to Transvaal Legislative Assembly regarding Immigration Restriction Bill.

July 14: Gandhiji addressed meeting of Hamidia Islamic Society at Johannesburg calling upon Indians not to submit to compulsory re-registration.

July 15: Addressed meeting of Transvaal Football Association.

July 16: Spoke at meeting of Indian merchants at Pretoria.

July 20: Appealed for funds in aid of Transvaal struggle at meeting of Natal Indian Congress in Durban.

July 22: British Indian Association submitted petition to Transvaal Legislative Council regarding Immigration Restriction Bill.

July 24: Gandhiji arrived at Pretoria; called at Khamisa's shop where applications for registration were being received secretly at night.

July 25: On question as to General Botha's assurance to Secretary of State for Colonies regarding administration of Asiatic Act, it was stated in Commons that no effort would be spared to make application and operation of Act as little irksome as possible and that finger-print system would be retained.

July 27: British Indian Association wrote to Colonial Secretary refuting intimidation charge against Indians.

July 28: Indian meeting held in Hamidia Islamic Society Hall, Johannesburg.
Hartal observed in Transvaal.

July 30: In India, editor of *Hindustan* sentenced to five years' rigorous imprisonment.

July 31: Gandhiji met William Hosken in morning; addressed Pretoria mass meeting; took sole responsibility for advising Indians to oppose law and explained significance of passive resistance. Warned them of dangers of submission to Act.
Gave interview to *Rand Daily Mail.*

Before *August 5:* Permit Office moved on to Pietersburg.

August 7: In India, anniversary of Swadeshi movement observed; 20,000 Indians at meeting decided to continue boycott against Bengal's partition until it was withdrawn or modified.

August 8: Gandhiji wrote to General Smuts suggesting amendments to Asiatic Act.

August 11: Spoke at meeting of Hamidia Islamic Society.

August 14: Appeared on behalf of Suleman Wadi charged with selling liquor to Natives.

August 15: Wrote to General Smuts that result of compliance with Act would be worse than non-compliance for Indians.

August 17: Released for publication correspondence with General Smuts.

August 19: Wrote to *The Star* regarding proposal submitted to General Smuts.

August 21: Spoke at meeting of Hamidia Islamic Society.

August 23: British Indian Association addressed petition to Secretary of State for Colonies.

Before *August 24:* Permit Office functioned at Potchefstroom and Klerksdorp.

Before *August 31:* Permit Office visited Nylstroom and Rustenburg.

August 31: Gandhiji and others gave send-off to H. O. Ally and family who left Transvaal as they did not wish to submit to Act.

September 4: Natal Indian Congress cabled birthday felicitations to Dadabhai Naoroji.

Gandhiji spoke on Indian struggle at meeting of Natal Indian Congress at Durban.

Before *September 7:* Attended birth anniversary celebrations of Lord Krishna organized by Sanatan Veda Dharma Sabha, Germiston.

September 11: Wrote to Registrar of Asiatics regarding Indians detained at Komatipoort.

September 17: Permit Office moved on to Boksburg.

Before *September 21:* Monster Petition addressed to Colonial Secretary, circulated for signatures.

September 22: Gandhiji addressed Hamidia Islamic Society meeting.

September 24: Permit Office moved on to Germiston.

September 29: Gandhiji spoke at meetings of Hamidia Islamic Society and Chinese Association.

October 6: Addressing meeting of British Indian Association, said he would defend arrested pickets.

October 9: Wrote to *Rand Daily Mail.*

October 13: Attended meeting of Hamidia Islamic Society.

October 14: Was met by Haloo, who regretted having applied for registration.

October 15: Repudiated in court charge of intimidation against pickets and wrote to Commissioner of Police.

October 17: In India, anniversary of Bengal's partition observed as day of mourning.

October 18: Gandhiji wrote to *The Star* refuting intimidation charge.

October 20: Attended meetings of Hamidia Islamic Society and South Indians.

October 23: Addressed meetings of British Indian Association and Anti-Indian-Law Fund.

October 24: Wrote to *The Star* regarding Asiatic Registration Act.

October 27: Met Commissioner of Police, Johannesburg, regarding picketing.

At meeting of Hamidia Islamic Society, reported on interview with Police Commissioner.

Met Mahomed Shahboodeen who had been assaulted by Mahomedan priest.

October: In India, Bipin Chandra Pal sentenced to six months' imprisonment for refusing to give evidence in sedition case against Aurobindo Ghosh.

November 1: British Indian Association forwarded Monster Petition signed by 4,522 Indians to Colonial Secretary.
Gandhiji wrote to *The Transvaal Leader* regarding registration of Indians.

November 9: At Caxton Hall, London, meeting of Mahomedans protested against treatment of Indians in Transvaal.

November 11: Gandhiji appeared in defence of Ram Sundar Pundit, first Indian arrested at Germiston.
Spoke at meeting of Indians held after Pundit's release.
Gave interview to *The Transvaal Leader.*

November 13: Addressed Hamidia Islamic Society meeting.

November 14: Appeared at Germiston in trial of Ram Sundar Pundit, who was sentenced to month's imprisonment.
Hartal observed in Transvaal.

November 15: Gandhiji appeared in trial of pickets at Pretoria; wrote to *Indian Opinion* regarding Ram Sundar Pundit.

November 17: Met Ram Sundar Pundit in Johannesburg gaol; spoke at meeting of Hamidia Islamic Society.

November 18: In India, Lala Lajpat Rai released.

November 19: Gandhiji appeared in trial of Mahomed Shah and others at Germiston.

November 21: Sent *Ramayana* and *Gita* to Manilal Gandhi.

November 22: Wrote to G. K. Gokhale suggesting "Hindu-Muslim compact" to be made special feature of forthcoming session of Indian National Congress.

November 24: Spoke at meeting of Hamidia Islamic Society.
Meeting of Konkanis held in Society hall.

November 27: Gandhiji spoke at meeting of Chinese Association.

November 30: Last date for registration; only 511 out of 13,000 Indians registered.
During month struggle designated 'Satyagraha' for first time.

December 1: Gandhiji met Ram Sundar Pundit in gaol.

December 3: Received message from William Hosken that he should approach High Commissioner regarding Asiatic Law Amendment Act. Writing to High Commissioner, suggested appointment of judge to investigate charge of surreptitious entry by Indians.

December 6: Appeared in trial of Mahomed Essak.
In India, terrorist attempt made on Lieutenant-Governor's train near Midnapur, Bengal.

Before *December 7:* Gandhiji forwarded to High Commissioner petition of Punjabis, Pathans and Sikhs.

December 8: Addressed Hamidia Islamic Society meeting.

December 9: Appeared in trial of 37 Indians at Volksrust.

December 11: Defended Mahomed Essak, who was acquitted.

December 12: Wrote to *Indian Opinion* regarding prosecution of Indians.

December 13: Participated in reception to Ram Sundar Pundit who was released from gaol; later spoke at meeting.

December 15: Addressed meeting of Hamidia Islamic Society.

December 20: Telephoned to General Manager, C.S.A.R., about Indian employees at Standerton.

December 22: Spoke at meeting of Hamidia Islamic Society.

December 23: In India, Mr. Allen, former District Magistrate, Dacca, shot at at railway station between Dacca and Calcutta.

December 26: General Smuts decided to prosecute Gandhiji and other pickets.
Indian National Congress session commenced in Surat; split between Moderates and Extremists.

December 27: Royal assent to Transvaal Immigration Act announced in *Gazette.*
Gandhiji called on Acting Commissioner of Police, Transvaal and was informed of orders for arrest of himself and other pickets. Later, addressed mass meeting at Johannesburg. Gave interview to *The Star.*

December 28: Conducted his own trial and appeared in defence of pickets; was ordered to leave Transvaal within 48 hours. Later, spoke at meeting in Government Square.

December 30: Addressed meeting of Chinese Association at Johannesburg.
Gave interview to *Reuter.*
Addressed mass meeting at Pretoria.

December 31: Was informed that his appearance in court was not required until further notice.
European friends called on him and expressed sympathy.
Gandhiji addressed mass meeting of Indians.

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